

BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION,)
On its own motion) DOCKET NO.
) 12-0213
Implementation of Section)
16-128A(a) of the Public Utilities)
Act.)

Monday, December 10, 2012
Springfield, Illinois

Met, pursuant to notice, at 9:30 a.m.

BEFORE :

JOHN ALBERS, ALJ

APPEARANCES:

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(Appearing on behalf of staff of
the Illinois Commerce Commission
via teleconference.)

L.A. COURT REPORTERS, LLC, by
Laurel Patkes, Reporter
CSR #084-001340

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket No. 12-0213. This docket was initiated by the Commission on its own motion and concerns implementation of Section 16-128A of the Public Utilities Act.

May I have the appearances for the record, please?

MS. ARMSTRONG: On behalf of the staff of the Illinois Commerce Commission, Kelly Armstrong, 160 North LaSalle Street, Suite C-800, Chicago, Illinois 60601.

JUDGE ALBERS: Here in Springfield?

MS. SKOLNICK: On behalf of IBEW Local 51, Rochelle Skolnick, Schuchat, Cook & Werner, 1221 Locust Street, St. Louis, Missouri 63103.

And did you need my e-mail address too?

JUDGE ALBERS: Please.

MS. SKOLNICK: rgs@schuchatcw.com.

MR. OHDE: Harold Ohde (O-h-d-e), 9318 South

1 Longwood Drive, Chicago, Illinois 60643; (773)
2 858-1462. E-mail address is odoncode@aol.com, and
3 I'm here representing the IBEW.

4 JUDGE ALBERS: And are you an attorney?

5 MR. OHDE: Pardon me?

6 JUDGE ALBERS: Are you an attorney?

7 MR. OHDE: No.

8 JUDGE ALBERS: That's all right. I think given
9 the nature of this particular hearing, we're going to
10 be a little less formal as far as appearances go.

11 MR. CROTEAU: My name is Bob Croteau. I live
12 at 28 Carole Road, Springfield, Illinois 62711.
13 Crouteau is C-r-o-u-t-e-a-u. My phone number is
14 (217) 585-3449. My e-mail address is
15 bobcroteau@sbcglobal.net, and I'm a board member of
16 the Illinois Renewable Energy Association and also a
17 manager of the Solar Rebate Program at City Water,
18 Light and Power.

19 Although I'm not representing CWLP, I
20 have an interest from that perspective.

21 JUDGE ALBERS: And are you here on behalf of
22 yourself or any particular --

1 MR. CROTEAU: Myself and the Illinois Renewable
2 Energy Association.

3 JUDGE ALBERS: Anyone else in Springfield who
4 wishes to enter an appearance at this time?

5 Come on up here, sir, and speak into
6 the microphone.

7 MR. RIDER: Do you want me to pull up a chair?

8 JUDGE ALBERS: If you plan on speaking later
9 today, go ahead.

10 MR. RIDER: My name is Alan Rider, A-l-a-n
11 R-i-d-e-r. My address is 1851 East 3200 North Road,
12 Mount Auburn, Illinois.

13 You want a phone number?

14 JUDGE ALBERS: Please.

15 MR. RIDER: Area code (217) 412-5346, and
16 e-mail is alrprairie@hughes.net.

17 JUDGE ALBERS: And who are you here on behalf
18 of?

19 MR. RIDER: I represent a private citizen.

20 JUDGE ALBERS: That being yourself?

21 MR. RIDER: Yes, I represent myself.

22 JUDGE ALBERS: Any other appearances in

1 Springfield?

2 MR. WILHELM: Did you say from Springfield,
3 sir?

4 JUDGE ALBERS: Here in Springfield as opposed
5 to Chicago.

6 Go ahead.

7 MR. WILHELM: Tim Wilhelm.

8 What else do you need?

9 JUDGE ALBERS: Address, phone number, e-mail
10 and who you're here for.

11 MR. WILHELM: 148 Sun Street in Stelle,
12 Illinois 60919. Phone number (815) 351-2285.
13 E-mail, tjwilhelm@stelle.net here representing
14 Kankakee Community College as well as IGEN, the
15 Illinois Green Economy Network, and also representing
16 myself doing business as Wilhelm Engineering.

17 JUDGE ALBERS: Others?

18 MR. JANOWSKI: Anthony Janowski
19 (J-a-n-o-w-s-k-i), and I'm with the Chicago Regional
20 Council of Carpenters. It's 12 East Erie, Chicago,
21 Illinois 60611. I'm the Director of Sustainability,
22 and I'm also chairman of the U.S. Green Building

1 Council, Illinois Chapter.

2 JUDGE ALBERS: What was the name of the
3 organization?

4 MR. WILHELM: Chicago Regional Council of
5 Carpenters.

6 JUDGE ALBERS: Are you also on behalf of the
7 Green Building Association?

8 MR. JANOWSKI: United States Green Building
9 Council, Illinois Chapter, chairman.

10 MR. EATON: I have a question before you start.
11 My name is Robert Eaton.

12 I just want to know, I'm a business
13 owner in solar. I do not necessarily need to make a
14 statement but will there be an opportunity for us to
15 speak sometime if, indeed, we feel it's necessary?

16 JUDGE ALBERS: Yes, yes.

17 MR. EATON: So we don't need to get involved
18 with this?

19 JUDGE ALBERS: This is for those who know
20 they're going to say something and are going to have
21 questions of the staff members, just identify
22 yourself up front, but if you decide later you're

1 going to have a question or want to say something,
2 you can certainly identify yourself later.

3 If a thought occurs to you or
4 something you think should be said that's not been
5 said, you can go ahead and raise your hand, come to
6 the microphone, identify yourself then.

7 MR. EATON: Okay. Just a question.

8 JUDGE ALBERS: That's fine.

9 Mr. Croteau?

10 MR. CROTEAU: So when we're done doing a
11 presentation, we can leave and let somebody else come
12 and have a seat?

13 JUDGE ALBERS: Sure, yes.

14 Any others that are going to be
15 speaking today?

16 MR. DERSCH: Yes. My name is Tom Dersch
17 spelled D-e-r-s-c-h with Dersch Energies, and we're
18 at 620 Oak Street, Mount Carmel, Illinois.

19 JUDGE ALBERS: And could you provide your phone
20 number and e-mail?

21 MR. DERSCH: Yes. Phone number is
22 (618) 262-5181. E-mail would be my name,

1 tomderesch@hotmail.com.

2 MR. MILLER: Christopher Miller, Heartland
3 Community College, 1500 West Raab (R-a-a-b) Road,
4 Normal, Illinois 61776; (309) 268-8855;
5 chris.miller@heartland.edu; renewable energy
6 professor.

7 MR. HARROUN: I guess I'm last up. My name is
8 Ben Harroun.

9 JUDGE ALBERS: You're going to have to speak
10 louder, please.

11 MR. HARROUN: Ben Harroun (H-a-r-r-o-u-n). I'm
12 here with Angel Wind Energy, Inc. and the Illinois
13 Solar Energy Association. The address is 113 North
14 Pine Street, Onarga, Illinois 60955. Phone number
15 is (815) 383-7509, and e-mail is
16 ben@angelwindenergy.com.

17 MR. McGONIGLE: Sean McGonigle. Sean is
18 spelled S-e-a-n. Last name is spelled
19 M-c-G-o-n-i-g-l-e. My address is 2101 North 17th
20 Street, Springfield, Illinois 62702. I have no
21 business address or affiliations. I'm merely a
22 private citizen here to represent sanity.

1 JUDGE ALBERS: We need that.

2 All right. Anyone else in Springfield
3 here that wants to enter their appearance?

4 If not, you can always get your
5 appearance entered later.

6 In Chicago then, please speak into
7 microphone and speak clearly.

8 MR. THORN: This is Steven Thorn. I'm the
9 attorney for the Illinois Solar Energy Association.
10 My phone number is (773) 609-5320. The e-mail
11 address is sthorn@thornenvironmentallaw.com, and my
12 current mailing address is 4255 North Whipple
13 (W-h-i-p-p-l-e), Chicago, Illinois 60618.

14 MR. WOLF: My name is Tom Wolf, Executive
15 Director of the Illinois Chamber of Commerce.
16 Phone number is (312) 983-7109. E-mail,
17 twolf@ilchamber.org. Mailing address is 300 South
18 Wacker, Suite 1600, Chicago, 60606.

19 MS. PHILBIN: My name is Cathy Philbin
20 (P-h-i-l-b-i-n), Cathy with a "c." I represent Good
21 Electric. The address is 5812 North Kenneth,
22 Chicago, Illinois 60606. My e-mail is

1 cphilbin@goodelectricinc.com, and the phone number is
2 (773) 447-8580.

3 MR. WALSTEN: My name is Mark Walsten. I'm the
4 Sixth Ward alderman of Des Plaines. Address is 1420
5 Miner Street, 60016, and I am here representing
6 myself, not the City of Des Plaines.

7 Thank you.

8 JUDGE ALBERS: Could you spell your last name,
9 please?

10 MR. WALSTEN: W-a-l-s-t-e-n.

11 JUDGE ALBERS: Thank you.

12 MR. FLEEMAN: My name is Steve Fleeman. I'm
13 Associate Professor of Sustainable Energy Systems at
14 Rock Valley College in Rockford, Illinois. The
15 address is 3301 North Mulford. The zip in Rockford
16 is 61114. Phone number is (815) 921-3175. My e-mail
17 is sfleeman@rockvalleycollege.edu.

18 JUDGE ALBERS: Spell your last name, please.

19 MR. FLEEMAN: F-l-e-e-m-a-n, and I'm here
20 representing the Sustainable Energy Systems Program.
21 I'm also the academic chair of that program, and I am
22 the chair of the Electronics Technicians Association

1 International as well as on the policy board of the
2 Illinois Solar Energy Association.

3 MR. KLEIN: Good morning. My name is Madeleine
4 Weil Klein spelled W-e-i-l K-l-e-i-n, and I'm here
5 with SoCore Energy. Address is 225 West Hubbard
6 Street, Suite 302, Chicago. Zip code is 60654. My
7 phone number is (773) 897-3904, and I'm here
8 representing SoCore Energy, and I'm also on the
9 Policy Board of the Illinois Solar Energy
10 Association.

11 JUDGE ALBERS: Thank you.

12 MS. MCCAIN: Good morning. This is Lesley
13 McCain. The last name is M-c-C-a-i-n. I'm the
14 Executive Director of the Illinois Solar Energy
15 Association. My address is 160 East Cunningham
16 Drive, Palatine, Illinois. The zip there is 60067.
17 My phone is area code (847) 924-7359. My e-mail
18 address is lesley.mccain@illinoisissolar.org.

19 JUDGE ALBERS: Thank you.

20 MR. BREUER: Hi. My name is Dorian Breuer,
21 D-o-r-i-a-n B-r-e-u-e-r. I'm with Ailey Solar
22 Electric; A-i-l-e-y Solar Electric, co-owner, and my

1 address is 3817 South Winchester Avenue, Chicago,
2 Illinois 60609. My phone number is (773) 809-3817.
3 My e-mail address is dorian@aileysolarelectric.com.

4 JUDGE ALBERS: Thank you.

5 MR. AILEY: Hello. My name is John Ailey
6 (A-i-l-e-y). I'm also co-owner of Ailey Solar
7 Electric. Address, 2416 South Ridgeway Avenue,
8 Chicago, Illinois 60623. Phone number is
9 (312)802-9004. E-mail, jack@aileysolarelectric.com.

10 JUDGE ALBERS: Thank you.

11 MR. BECKER: My name is Bill Becker. My
12 address is 2155 Wolters Road (that's W-o-l-t-e-r-s)
13 in Park Forest, Illinois. I'm CEO of Aerotecture
14 International, and I was on the founding board of the
15 Illinois Solar Energy Association in 1974. I helped
16 get CUB started with Jim Marzucci down in Park
17 Forest. I'm on the founding board of the ISEA,
18 Illinois Solar Energy Association.

19 JUDGE ALBERS: Sir, what is your phone number
20 and e-mail?

21 MR. BECKER: Name is Bill Becker (B-e-c-k-e-r).
22 Phone number (847) 274-2155, and e-mail is

1 bil@aerotecture.com.

2 JUDGE ALBERS: Thank you.

3 MR. VISVA: Gan Visva, G-a-n V-i-s-v-a, from
4 Solar Micronics. The address is 100 Tower Drive,
5 Burr Ridge, Illinois 60527. The phone number is
6 (630) 842-8658, and the e-mail is
7 visva@solarmicronics.co.

8 MS. CARAVETTE: Good morning. I'm Riana
9 Caravette spelled R-i-a-n-a C-a-r-a-v-e-t-t-e. I'm
10 the president of Earth Wind and Solar Energy located
11 on 2350 West Grand Avenue in Chicago, 60612. We are
12 a renewable energy installation company. My e-mail
13 address is riana@earthwindandsolarenergy.com.
14 Telephone number is (312)243-9933.

15 MR. SCHMIDT: Good morning. My name is Bernie
16 Schmidt (S-c-h-m-i-d-t). I'm with Renewable Energy
17 Alternatives. We're located in Arlington Heights,
18 Illinois at 2436 East Oakton Street, 60005. I'm the
19 CEO and president of the company. My e-mail is
20 bernie@renewableenergyalt.com, and our phone number
21 is (847) 291-7693.

22 MR. PETER: And I'm Kasie Peters also from

1 Renewable Energy Alternatives. My first name is
2 spelled K-a-s-i-e, and last name is P-e-t-e-r-s. The
3 address is the same, 2436 East Oakton Street in
4 Arlington Heights. The phone number is
5 (847) 291-7693, and my e-mail address is
6 kpeters@renewableenergyalt.com, and I'm the director
7 of sales.

8 MR. RINGGENBERG: Christopher Ringgenberg, also
9 Renewable Energy Alternatives. Our address is there
10 is 2436 East Oakton in Arlington Heights, 60005,
11 (847)291-7693, and I'm a sales consultant.

12 JUDGE ALBERS: If there are more than one
13 person from an organization, you just need to enter
14 one person's appearance, but since you've...what is
15 your name?

16 MR. RINGGENBERG: Christopher Ringgenberg.
17 Last named is spelled R-i-n-g-g-e-n-b-e-r-g.

18 JUDGE ALBERS: Any others?

19 All right. Looks like we don't have
20 any others.

21 Well, before we hear from our first
22 speakers, I just want to make a few comments.

1 This public hearing is being conducted
2 under Section 5-40(b) of the Administrative Procedure
3 Act. The hearing concerns the First Notice Rule
4 published on November 2nd in the Illinois Register,
5 483 Illinois Administrative Code and Part 468
6 entitled "Distributed Generation Installer
7 Certification."

8 The Illinois Chamber of Commerce,
9 Solar Energy Association, Illinois Chapter of the
10 Sierra Club, and Illinois Green Economy Network filed
11 a motion requesting this public hearing on
12 November 16th, and this type of hearing under the
13 Administrative Procedure Act is uncommon, but in
14 fulfilling the statutory obligation to conduct this
15 hearing, we'll begin by making representatives of the
16 ICC available regarding the proposed rules.

17 It's my understanding that Dr. Eric
18 Schlaf, an economic analyst here at the Commission in
19 the policy division, and possibly Greg Rockrohr as
20 well in the Engineering Department and David
21 Brightwell, an economic analyst in the Policy
22 Section, are available, and depending on the

1 questions that may be posed, there may be others who
2 will appear here in the room from staff that can
3 answer questions.

4 Mr. Hardas, are you making yourself
5 available or are you just watching?

6 MR. HARDAS: I'll be available.

7 JUDGE ALBERS: And Mr. Phil Hardas will also be
8 available from our Finance Department. Dr. Schlaf
9 and Mr. Rockrohr were the individuals that offered
10 supporting comments for the First Notice Rule.

11 After we hear any questions for the
12 staff representatives, we'll open the floor up to
13 anyone else that might want to make comments on the
14 proposed rules, and those who would like to offer
15 their views or comments may do so under oath if they
16 feel comfortable doing so. Just let me know ahead of
17 time, and I'll swear you in.

18 And if anyone has any documents they'd
19 like to refer to, I should have received those at our
20 last hearing. I did receive documents from IBEW, ETA
21 International, and SoCore Energy.

22 Before we turn things over to staff,

1 does anybody have any questions about this process?

2 All right. I'll take that as a no.

3 MR. MCGONIGLE: My name is Sean McGonigle. I
4 have a question.

5 I would like to know if you're
6 fielding questions before our comments are spoken so
7 we can have better comments?

8 JUDGE ALBERS: Yes. Under the statute, we have
9 to have someone from the Commission staff available
10 to answer questions about the proposed rules, and
11 that's how we're going to start, by having the staff
12 individuals available to answer any questions.

13 So they're the ones that supported the
14 rule. I am just shepherding the rule along in its
15 rulemaking process, so they're responsible for the
16 substance of it. As far as the substance of it, I
17 have not had any input.

18 Just by way of background, the rule
19 was developed after the intervenors in this docket
20 got together and held workshops and then provided to
21 me a, what they considered a mutually agreeable draft
22 or a First Notice Rule, and I gave that to the

1 Commission, and the Commission adopted that as the
2 First Notice Rule and sent it on to the Illinois
3 Register, rather, to the Secretary of State for
4 publication in the Illinois Register. So my direct
5 input has been minimal so far in this process.

6 Any other questions then about the
7 process or does that address your concerns?

8 MR. MCGONIGLE: Yes, sir. Thank you.

9 JUDGE ALBERS: Okay. Dr. Schlaf, since you're
10 already up here and Mr. Rockrohr, anyone else, if you
11 can kind of make room for the staff up here, and then
12 if you do have questions, make sure you speak into
13 the microphone so those in Chicago can hear you.

14 MR. LANNON: Your Honor, Mike Lannon here in
15 Chicago.

16 JUDGE ALBERS: Yes, those are the attorneys in
17 Chicago, Mike Lannon and Kelly Armstrong; Eric at the
18 end of the table.

19 Go ahead, Mr. Lannon.

20 MR. LANNON: I was wondering if you want to
21 reposition the camera so the witness is on camera for
22 those that are going to have questions here in

1 Chicago.

2 JUDGE ALBERS: Well, I think it's probably hard
3 to tell but they are on camera at the very end of the
4 table there.

5 MR. LANNON: Oh, I see them now.

6 UNIDENTIFIED SPEAKER: If he could raise his
7 hand.

8 JUDGE ALBERS: Raise your hand, Eric.

9 I'll go ahead and swear in our staff
10 witnesses to begin with, just these four gentlemen
11 right here and Mr. Zolnierrek if you're going to
12 possibly answer questions.

13 (Whereupon the witnesses were
14 sworn by Judge Albers.)

15 JUDGE ALBERS: Thank you.

16 All right. Who would like to begin
17 with questions for any staff members first?

18 MR. WILHELM: I have a question, sir, if I may.

19 JUDGE ALBERS: Go ahead and identify yourself.

20 MR. WILHELM: Tim Wilhelm.

21 JUDGE ALBERS: Speak into the microphone.

22 MR. WILHELM: W-i-l-h-e-l-m.

1 His Honor mentioned a date for a draft
2 rule of November 1st, and the only two drafts I've
3 seen is one that was dated July 12th titled
4 "Distributed Generation Rulemaking" and another one
5 dated September 5th called Distributed Generation
6 Installer Certification Rulemaking.

7 I'm wondering if whatever happened on
8 November 1st is different in any way from either of
9 these two documents.

10 JUDGE ALBERS: Maybe I can help you with that.

11 MR. WILHELM: Oh, okay.

12 JUDGE ALBERS: I was referring to the fact that
13 on November 2nd of this year, the Illinois Register
14 published the First Notice Rule that the Commission
15 adopted, and maybe some background on how a
16 rulemaking works would be helpful.

17 MR. WILHELM: Well, I just wanted to make sure
18 I read the correct documents and I'm responding to
19 the correct documents.

20 JUDGE ALBERS: There's different ways that a
21 rulemaking can start at the Commission and other
22 agencies as well I imagine, but in this particular

1 case, the General Assembly passed a law saying we
2 have to have rules on this particular issue on
3 certification of distributed generation installers.

4 So the Commission started a
5 docket...and that's what we call a case
6 here...started a docket in which we would conduct
7 this rulemaking, and I had the first hearing. We had
8 several parties intervene. The parties were the
9 larger utilities in Illinois, Commonwealth Edison,
10 Citizens Utility Board, Ameren, Mt. Carmel Public
11 Utility, American Energy Company, Environmental Law
12 Policy Center, IBEW, the Illinois Power Agency, the
13 Illinois Solar Energy Association, Illinois
14 Technicians Association International, Associated
15 Builders and Contractors, and the Illinois Chamber of
16 Commerce.

17 Now, depending on when they
18 intervened, they all participated in the workshops in
19 this case, and those workshops were not conducted in
20 my presence. That was when the parties got together.
21 They had their discussions in terms of how they think
22 the rule should be developed and how it should read.

1 I had I think four workshops. Someone
2 from staff can correct me if I'm wrong. In the end,
3 they presented to me a draft of a rule that they all
4 generally agreed upon so there was no issues in
5 dispute for me to try to resolve.

6 So having this generally agreed upon
7 rule that they presented to me, I took it to the
8 commissioners. The five of them have to vote on
9 whether to approve or modify or reject anything that
10 one of the administrative law judges present to them.
11 The five of them entered an order adopting that
12 generally agreed upon rule as the First Notice Rule.

13 In Illinois, you have to have a First
14 Notice, an administrative agency has to have a First
15 Notice Rule that is published in the Illinois
16 Register and it gives parties at least 45 days to
17 provide comments on.

18 After the 45 days, the Commission can
19 take any of those comments, modify the rule as
20 appropriate and, for that matter, hold contested
21 hearings to try to, you know, resolve the disputed
22 issues about the rule.

1 Whatever modifications occur, I then
2 would take the rule to the Commission again, and this
3 time I would adopt it as a second notice rule, and
4 that second notice rule would then go to the Joint
5 Committee on Administrative Rules.

6 That's a group of legislators that
7 look over every rule in every agency, and once they
8 issue their statement of no objection, the Commission
9 can then adopt the final rule, and that would be the
10 rule that we would all live by.

11 We're currently in the first notice
12 stage of this process I just described. I issued a
13 ruling several weeks ago asking for parties to submit
14 their comments on the 45th day, and that is, the 45th
15 day is December 17th. So anyone can file comments on
16 the First Notice Rule. You don't have to be a part
17 of the regular case.

18 Hopefully that provided you some
19 background on how rulemaking works.

20 And then I would also add though on
21 this particular rulemaking, the Commission did give
22 us, I'm sorry, the legislator gave us a particular

1 deadline on which we had to have this done, and that
2 deadline, statutory deadline is...I have it
3 here...April 26th.

4 So we do have a little less time for
5 this rulemaking than we normally do for a rulemaking.
6 Usually rulemaking has a deadline of one year from
7 the date of the First Notice publication. Because it
8 occurred November 2nd of 2012, normally the deadline
9 would be November 2nd of 2013, but the General
10 Assembly described a different deadline in this case
11 that we have to live by, and that's April 26th.

12 There's a little bit of leeway in that
13 in the end if we have an emergency, if we have a need
14 for an emergency rule, but hopefully it won't come to
15 that.

16 So I'm trying to keep it as brief as I
17 can. Hopefully, that helps spell out how the
18 rulemaking process works.

19 MR. WILHELM: That does help, sir, but I still
20 have the question as to whether or not I am dealing
21 with the appropriate documents regarding the
22 July 12th draft and the September 5th draft which

1 each has a different title. July 12th is titled
2 "Distributed Generation Rulemaking," and
3 September 5th is titled "Distributed Generation
4 Installer Certification Rulemaking."

5 I just want to make sure that both of
6 those are current.

7 MS. ARMSTRONG: If it helps at all, staff filed
8 supplemental comments and a revised proposed rule on
9 September 24th. We believe that the September 5th
10 rule would be out of date, and there is a more recent
11 draft.

12 JUDGE ALBERS: The only copy or the only
13 version of the rule that we're concerned with today
14 is the one that was published in the Illinois
15 Register on November 2nd.

16 MR. WILHELM: Which version is that, sir?

17 JUDGE ALBERS: Well, not knowing what you have
18 in front of you, I couldn't tell you, but the most
19 recent one was the one published. That's the
20 official one. Anything earlier than that is just
21 drafts that never were approved by the Commission.

22 MR. WILHELM: Would anyone on staff be able to

1 answer that question for me?

2 DR. SCHLAF: I think Judge Albers expressed
3 what needed to be said there. There was a document
4 published on November 2nd, and that is the official
5 document. The previous documents were just drafts.

6 The September 5th document and what
7 was later amended on September 24th are very similar
8 to the document that was published on November 2nd
9 but not identical. There were very minor changes
10 made.

11 As I understand it, the JCAR review
12 process made some minor changes from the
13 September 5th and September 24th document that are
14 essentially formatting type of changes, but for
15 purposes of this discussion, the September 5th
16 document may do for the questions you may wish to
17 ask, but that isn't the official document that will
18 ultimately serve as the basis of the review for the
19 rulemaking process.

20 And, Judge Albers, if I may make one
21 additional comment.

22 The rule that was published was not an

1 agreed upon rule necessarily. There are parts that
2 are not in dispute, but there are other parts that
3 are essentially staff's proposals, and maybe that's
4 one reason why the parties wish to comment on the
5 ruling.

6 JUDGE ALBERS: Okay.

7 DR. SCHLAF: But we're not contending that this
8 is an agreed upon rule.

9 JUDGE ALBERS: Okay. Thank you.

10 I probably misspoke then. Perhaps I
11 should have said that the parties represented to me
12 that they were agreeable to it being submitted for
13 first notice.

14 Would that be a fair statement,
15 Dr. Schlaf?

16 DR. SCHLAF: Yes.

17 JUDGE ALBERS: Okay. Do you have any other
18 questions?

19 MR. WILHELM: Thank you, sir. I mean, it's the
20 best we can do at this point for me. My comments
21 were derived from the September 5th draft, and so
22 some of my comments may not be appropriate because

1 I've not seen whatever was published on the 2nd of
2 November.

3 DR. SCHLAF: It's very likely that that
4 document will serve your purposes.

5 MR. WILHELM: Thank you, sir.

6 JUDGE ALBERS: Any other questions then for the
7 staff members?

8 MR. MCGONIGLE: Sean McGonigle.

9 JUDGE ALBERS: Will you speak into the
10 microphone, please?

11 MR. MCGONIGLE: Sean McGonigle.

12 Sir, could you describe those minor
13 changes that were made? Did the fees include any of
14 the things that were changed between those revisions?

15 DR. SCHLAF: No, they did not.

16 The September 24th document and the
17 document published in the Illinois Register after the
18 legislative review process were essentially
19 formatting changes that were of interest to the
20 drafters and the people who review these documents,
21 but I don't recall any substantive changes; for
22 example, the fee section you just mentioned.

1 MR. THORN: Staying on line with discussing the
2 fees, what is the basis for \$3,000 fee?

3 MR. HARDAS: Phil Hardas from the Illinois
4 Commerce Commission.

5 We base the initial fee amount of
6 \$3,000 on what we felt was the best estimate of a
7 cost associated with staff being assigned to each
8 docketed case.

9 The Illinois Commerce Commission has a
10 certain process for reviewing applications with
11 certifications and licenses that require an ALJ as
12 well as one to three staff members being assigned as
13 well as the initial filing has to go to our chief
14 clerk's office which may have one to two to three
15 individuals filing and putting together the proper
16 paperwork, and so altogether, we've tried to estimate
17 a certain staff amount that would be required.

18 MR. THORN: A quick follow-up question on that.

19 You mentioned that you feel you're
20 compelled to follow the process that you use for I
21 guess registration of ARES, ABC, things like that.

22 Really, what is the basis for feeling

1 that you're compelled to follow this one procedure
2 and that you're not allowed to create a new procedure
3 for this particular aspect of the statute that just
4 talks about the certification for DG or distributed
5 generation installations?

6 DR. SCHLAF: First of all, and I think I'll ask
7 Phil Hardas to respond to your particular question,
8 but in response to the fees, we are or will advocate
9 that the fee be dropped significantly.

10 There is a very similar pending
11 rulemaking involving installation of electric vehicle
12 charging stations and the certification fee, proposed
13 certification fee for that is \$50 as opposed to
14 3,000, and we will advocate a fee that is similar to
15 that number rather than the \$3,000 that is currently
16 in the document that was published on November 2nd.

17 MR. THORN: Thank you.

18 MR. HARDAS: Does that answer your question
19 sufficiently that the proposed amount may be reduced?

20 MR. THORN: Yeah. I think our concern was more
21 about the proposed amount rather than the procedural
22 requirement for it, but thank you.

1 MR. HARDAS: Okay.

2 DR. SCHLAF: If I can add one more comment
3 along those lines.

4 The subject of the fees is a hard one.
5 As was just mentioned, the fee was initially
6 structured to recover estimated costs at the
7 Commission to process the applications.

8 We also recognize there's a
9 competitive aspect to what the fee would be.
10 Hopefully the fee will not be a deterrent to
11 competitive activity in this market, so it would be
12 helpful for the parties that comment to comment on
13 fee level and what that might mean for their interest
14 in conducting business for this type of installation.

15 JUDGE ALBERS: Any other questions for staff?

16 MR. DERSCH: My name is Tom Dersch
17 (D-e-r-s-c-h).

18 My questions are, are you aware that
19 the State of Illinois has a long held tradition of
20 recognizing a national certification program as a
21 pathway qualification requirement to licensing
22 workers and installers involved in regulated,

1 potentially hazardous work which, if the work is
2 flawed, could have significant negative consequences?

3 Specifically, are you aware with
4 regard to work on underground storage tank systems
5 containing flammable gasoline that if the work is not
6 properly conducted, it could harm the underground
7 environment and/or lead to death and/or disability
8 through fire and/or explosion?

9 And were you aware that the Illinois
10 Office of the State Fire Marshal relies on the
11 certification of the International Code Council (ICC)
12 to qualify the installers of underground storage tank
13 systems?

14 Were you also aware that the
15 licensing --

16 JUDGE ALBERS: Sir, let's ask one question at a
17 time. I wasn't sure how far you were going there.

18 MR. DERSCH: Okay.

19 JUDGE ALBERS: Thank you.

20 MR. ROCKROHR: No, sir. As part of this
21 rulemaking, we focused on the electrical aspects of
22 the interconnections.

1 MR. DERSCH: Okay. So essentially, you were
2 not aware that this precedence could be applied to
3 these rules in terms of recognizing a nationally
4 recognized inspection certification program. In
5 other words, you were not aware that there is a
6 presence in the State of Illinois, a long held
7 presence, that that could be applied in this
8 situation given the comparability, and there is a lot
9 of electrical work that is associated with
10 underground storage tank systems, a lot of grounding
11 requirements and so forth.

12 MR. ROCKROHR: Well, in terms of recognizing
13 that there are long recognized standards certainly,
14 that's kind of why we lean toward the Department of
15 Labor.

16 JUDGE ALBERS: Other questions for staff?

17 MS. SKOLNICK: I have a question. Rochelle
18 Skolnick for the IBEW.

19 JUDGE ALBERS: Sure.

20 MS. SKOLNICK: For the staff, I'm sure you're
21 aware that Section 16-128A establishes essentially
22 two prongs of qualification for people performing the

1 work that's at issue here, and one of those prongs
2 under the statute is participation in an accredited
3 or otherwise recognized apprenticeship program for
4 the particular craft, trade or skill.

5 The other prong under the statute is
6 specified in several years of employment performing a
7 particular work function that is utilized by an
8 electric utility.

9 And under the proposed rule, the
10 qualification standard includes two prongs. One is
11 the completion of a DOL registered apprenticeship
12 program, but the other prong is what staff has
13 referred to in its comments as a grandfathered prong
14 which is I think the completion of 20 installations.

15 And I'm wondering what support staff
16 finds in the statute for that standard. That's my
17 first question, and the second question is has there
18 been any other context in which the Commission has
19 adopted a rule that has fleshed out that specified
20 and several years of employment standard that's set
21 forth in 16-128A?

22 MR. LANNON: Your Honor, Mike Lannon here.

1 Before my client speaks, I just want to make sure
2 everyone knows, the staff witnesses are not
3 attorneys. They can go ahead and answer the question
4 as long as everyone understands that they're not
5 attorneys, and it may not be the last legal position
6 that staff takes.

7 JUDGE ALBERS: Very well. Thank you.

8 MR. ROCKROHR: This is Greg Rockrohr again.

9 The response that I would provide is
10 that I don't know of another rule where such an
11 experience qualification is included other than
12 references in the ARES and ABC rules about technical
13 experience where they have had experience with
14 similar equipment.

15 It's not an exact corollary, but I
16 think I can safely say that staff attempted to come
17 up with a number of problem-free installations that
18 would indicate that whoever the contractor or
19 installer was, if they could provide 20 problem-free
20 installations and demonstrate that, that that would
21 be a good indicator that they had the requisite.

22 MS. SKOLNICK: And can I just follow up?

1 And where in the statute is there
2 support for that standard?

3 MR. ROCKROHR: I can't answer that.

4 MS. SKOLNICK: Okay.

5 JUDGE ALBERS: Any others?

6 All right. Anyone in Chicago for that
7 matter?

8 MR. THORN: Yes. This is Steven Thorn for ISCA
9 again. Am I close enough to the mike?

10 JUDGE ALBERS: Yes, we can hear you.

11 MR. THORN: Great.

12 So continuing along the lines of the
13 requirement, why did staff ultimately decide upon
14 just the DOL requirements when Illinois has had many
15 successful installations by people with other
16 accreditations?

17 MR. ROCKROHR: Getting back to the statute --
18 this is Greg Rockrohr again. Getting back to the
19 statute, there's a clear reference in 128A to the
20 experience and ability levels that utilities require,
21 and I think it was in the year 2007, and there would
22 be nothing to preclude utilities from requiring more

1 stringent rules than what they did in 2007.

2 Staff's interpretation of this
3 rulemaking was that whatever we came up with needed
4 to be at least as stringent as the utility worker
5 requirements that utilities had in 2007.

6 So upon getting information from
7 utilities and trying to compare that to what training
8 was available, the DOL registered programs surfaced
9 as the best and most logical requirement.

10 MR. THORN: There's a follow-up question from
11 someone in the audience who's walking up.

12 JUDGE ALBERS: Thank you.

13 MR. WALSTEN: Thank you.

14 How many --

15 JUDGE ALBERS: Your name?

16 MR. WALSTEN: Mark Walsten.

17 JUDGE ALBERS: Thank you.

18 MR. WALSTEN: What do you have documented as
19 far as injuries by installers or failed systems that
20 were installed incorrectly, say in the last ten
21 years; I mean, the main reason behind these changes.
22 There must be faulty hookups or injuries that

1 occurred because of this.

2 What kind of documentation do you have
3 on that?

4 MR. ROCKROHR: Well, I think you're making an
5 assumption that the rule is based on some historical
6 study of actual installations.

7 The rule is based on a statute that
8 basically required the Commission to create a rule,
9 so we, as staff, did not investigate the number of
10 problems with existing installations, and so I don't
11 have the information that you're asking about.

12 MR. WALSTEN: Okay. Well, I'd also like to add
13 too as far as the \$3,000 fee, and I had to take a
14 call so I may have missed this, but it seemed it
15 would be very appropriate to me on that \$3,000 fee if
16 you dropped a zero off of that, get it down to a
17 little closer 300.

18 MR. THORN: This is Steven Thorn again.

19 Another question that I had related to
20 this was that Section 16-128 refers to the requisite
21 knowledge, skill, several words for the particular
22 craft, trade or skill.

1 Did you look into the skill
2 requirements that are taught or the skills that are
3 provided by the various training programs for solar
4 to determine which ones were the best, or was this
5 based on overview of the entire training above and
6 beyond just solar installations?

7 MR. ROCKROHR: This is Greg Rockrohr again.

8 The rule does not segregate specific
9 renewable sources, so the same rule covers solar as
10 would cover wind or any other installation.

11 MR. THORN: Thank you.

12 And so when you requested information
13 from the utilities, was that related specifically to
14 these renewable energy installations?

15 MR. ROCKROHR: No. Section 128A speaks only
16 about the skill level of the utility worker, and it
17 doesn't discuss with specificity the tasks in a given
18 day that that utility worker would perform.

19 In other words, whoever performs the
20 task needs to be able to do a myriad of work, types
21 of work well, and that is the criteria that we
22 applied to this rule.

1 MR. THORN: Thank you.

2 JUDGE ALBERS: Any others?

3 Is there someone in Chicago?

4 MS. ARMSTRONG: Come on over here.

5 MR. BECKER: Bill Becker, head of Aerotecture
6 International. I've been a solar electric installer
7 for about 28 years.

8 Just as a point of information...

9 JUDGE ALBERS: Sir, do you have a question at
10 this time?

11 MR. BECKER: Yeah. How or who is contacted as
12 an installer in solar and also wind power to be asked
13 if they had 20 installations and under what time
14 period?

15 DR. SCHLAF: I don't think we contacted solar
16 installers to see if that was a number that was
17 manageable or feasible because it seemed outright,
18 and we would appreciate comments on that aspect of
19 the rule during the written comment phase or the
20 comments that are due on the 17th.

21 MR. BECKER: Was anyone contacted in small wind
22 installations in that regard?

1 DR. SCHLAF: No.

2 MR. BECKER: Was anyone contacted with electric
3 vehicle hookups in this regard?

4 DR. SCHLAF: I'm sorry, sir. I think that's a
5 different rulemaking.

6 MR. BECKER: All right. Well, my second
7 question, was anyone contacted in small wind
8 installations in regard to the 20?

9 DR. SCHLAF: No, they were not.

10 MR. BECKER: Are you interested in any comment
11 from someone who's been in the industry in Illinois
12 for 28 years?

13 DR. SCHLAF: I'm sorry, sir. I didn't hear the
14 question.

15 MR. BECKER: Would you accept a comment?

16 DR. SCHLAF: Certainly. This is the forum for
17 that today, and there is a written comment period for
18 the comments that are due on the 17th, and if you're
19 interested in that topic, please submit comments on
20 the 17th, and certainly feel free to express your
21 opinion here today.

22 MR. BECKER: Was that an okay to make a

1 comment?

2 JUDGE ALBERS: Mr. Becker, this is Judge
3 Albers. This goes to everyone. You're all welcome
4 to submit comments, whether you do them orally today
5 or in writing. Personally, I prefer to have it in
6 writing. It's going to be easier for me to follow
7 and incorporate anything into the next step in this
8 process.

9 I will speak on how this process got
10 started.

11 When the Commission began this docket,
12 entities that are involved in renewable energy don't
13 typically appear in Commission proceedings. I took
14 it upon myself to make sure the notice of this
15 proceeding, the first hearing anyway, the first step
16 in this process, was served on I believe it was the
17 Illinois Solar Energy Association, and there was one
18 other organization that I personally was aware of and
19 made sure they received notice of it.

20 So we tried, I tried to involve other
21 entities that would have knowledge of the subject
22 matter, and I'm not sure how each of you found out

1 about this process, but we tried as an organization
2 to get everyone involved that we could find so to
3 speak. We weren't going to start searching phone
4 books for organizations that had renewable sounding
5 names but we did try to find a couple of umbrella
6 type organizations that we might be able to contact
7 their members and make them aware of this process.

8 Anyone is free to still intervene and,
9 you know, become part of the process as it is today,
10 and I would encourage everyone to file comments in
11 this case.

12 MR. BECKER: Would you admit just one more
13 comment and then I'll move on?

14 JUDGE ALBERS: Go ahead.

15 MR. BECKER: In 28 years working in Illinois,
16 Wisconsin, California, and New Jersey, in Illinois, I
17 think I've only completed around 25, 26 installations
18 in 28 years. I actually know of no installer, and
19 I've hired maybe 20 of them, that has 20
20 installations, none of which has ever reported a
21 single incident or problem mostly because of the
22 advancement of the technology with inverters that

1 immediately shut off when the electrical grid is shut
2 down, and that's required under the older ComEd rules
3 and all of the rules of intertied grid systems for
4 wind and solar installations.

5 So I know of no incidents but I also
6 know of no installers, frankly, with 20
7 installations. They may exist. I just don't know of
8 them.

9 JUDGE ALBERS: All right. Thank you.

10 MR. HARDAS: Sir, this is Phil Hardas from the
11 Illinois Commerce Commission.

12 I'd like to tell everybody if you
13 submit comments and you have an opinion on what the
14 answer should be or what change you would like to
15 see, that would be very important for staff to see.

16 So if you have a certain number, sir,
17 here that you'd like to provide and get that in
18 comments, that's more helpful than just saying that
19 there's an issue with the number that staff proposed.

20 MR. BECKER: Well, yeah, I really believe you
21 would be able to find tremendously qualified people,
22 all of whom carry multiple certifications.

1 The installer that I've worked with in
2 the past, actually, two of them, both have national
3 certification under NABCEP rules which is the now
4 national installation standard that I haven't heard
5 much of yet but I'll get that out, and then they all
6 have to be certified, bonded, insured electricians
7 through their local and county registrations.

8 So I don't know how many more
9 certifications you may need, but frankly, I've had
10 several of my best installers say if this the rule
11 comes down, the 3,000 and 20 installations becomes
12 the standard, they're out of business. They're going
13 to go on and do other stuff. So just for feedback.

14 I always thought of the ICC as the
15 promoter of competition, and I think when I hear from
16 these installers that, well, find someone else, Bill,
17 maybe somebody in Indiana or something, I don't see
18 how the rules here are promoting competition and the
19 expansion of this tremendous industry which is now
20 about to expand to a new level.

21 So just some thoughts. Don't want to
22 take any more time.

1 JUDGE ALBERS: Thank you, Mr. Becker.

2 MR. BECKER: Thank you.

3 JUDGE ALBERS: Does anyone else have questions
4 of the staff? If not, we can turn things over to the
5 general comments.

6 MR. MCGONIGLE: May I, please?

7 JUDGE ALBERS: Go ahead.

8 MR. MCGONIGLE: Sean McGonigle again.

9 Eric, you said that you were going to
10 propose that the fee be dropped to \$50?

11 DR. SCHLAF: We haven't determined the exact
12 number, but I was just making a point that there is a
13 very similar rulemaking under way right now. The
14 Commission has approved a proposal of \$50 for a very
15 similar type certification process, and whether that
16 will be the same number, I don't know at this point.
17 We recognize the \$3,000 fee seems very high, and as
18 the comment was expressed, it's potentially a
19 deterrent to installers and competition, but the fee
20 would be drastically reduced. We will propose the
21 fee be drastically reduced from \$3,000 to something
22 along those lines.

1 MR. McGonigle, may I ask each of you what you
2 think the statistical probability, the likelihood is
3 that it will be dropped to \$300 or lower?

4 DR. SCHLAF: I expect the fee will be \$300 or
5 lower. The Commission will...

6 JUDGE ALBERS: Well, it's not up to the staff
7 individually as well. The Commission itself has to
8 make a vote.

9 MR. MCGONIGLE: Sure, and that's the reason I
10 hedged it like that is in your experience...

11 MS. ARMSTRONG: I'm sorry. We can't hear you
12 in Chicago. I don't know if your mike is off or you
13 can move closer to it.

14 MR. MCGONIGLE: I'm sorry.

15 The reason I was asking is, you, as an
16 insider at the ICC, what you think the likelihood
17 will be, your personal evaluation of the likelihood
18 of the fees reduction, and the same question stands
19 for each staff member.

20 DR. SCHLAF: I would just say it's hard for
21 staff to anticipate what the Commission may
22 ultimately do.

1 Our job is to understand the comments
2 that will come in hopefully on the 17th during this
3 rulemaking to assess the information that we receive
4 and give our own opinion and make a proposal as the
5 other parties are free to make a proposal to the
6 Commission as well.

7 What the Commission will do is take
8 all the information into account and offer their best
9 judgment. They frequently rely on our opinion to a
10 certain extent.

11 It's hard to say what they will do,
12 but we will, as I said, we anticipate making a
13 proposal when it's our turn to comment, of a fee
14 structure that is considerably lower than what the
15 fee is right now.

16 MR. MCGONIGLE: Great. Thank you.

17 MR. ZOLNIEREK: Jim Zolnierrek
18 (Z-o-l-n-i-e-r-e-k).

19 Just so you get a sense of what we're
20 dealing with, this bill assigns us a task of putting
21 together this rule and evaluating these installations
22 and granting certifications, and the way it funded

1 our implementation of that is to say collect it
2 through fees. So that's our only way to recover the
3 fees we do through this activity at this point.

4 So we're struggling with how do we,
5 you know, fund the staff to do this, do the
6 appropriate review as dictated by the statute, you
7 know, with balancing that off against, you know, how
8 do we not deter entrance into the market.

9 So that's the dilemma we face when
10 we're putting together this rule, and that's why we
11 need all the comments we can get in terms of, you
12 know, what impact does this have because if it's just
13 us saying we need to recover our costs and nobody
14 contributing to the record saying, you know, there's
15 any reason for doing anything other than that, then
16 we're stuck.

17 MR. MCGONIGLE: I appreciate that for the ICC
18 solvency is a problem. It is also a problem for many
19 other people involved.

20 MR. ZOLNIEREK: I just wanted to let you know
21 what we were doing.

22 MR. MCGONIGLE: Yes, sir.

1 MR. HARDAS: This is Phil Hardas from staff.

2 And with that, provide the amount that
3 you think it should be if you have an opinion on it.
4 Just being lower is sometimes not enough.

5 MS. PHILBIN: Cathy Philbin, Good Electric.

6 As an electrical contractor, I was
7 wondering if any consideration was given to spelling
8 this out in terms of class standards and
9 qualifications of being an electrical contractor as
10 they are licensed to perform this work.

11 MR. ROCKROHR: Well, I think the qualified --
12 to get into the specifics of the rule, I think we
13 tried to incorporate that in the qualifications
14 section.

15 I don't know -- could you expand on
16 your question?

17 MS. PHILBIN: Well, electrical contractors are
18 licensed to perform electrical work, and the statute
19 or the rulemaking as I understand it does not really
20 have any qualifications that electrical contractors
21 are performing the work or other companies are
22 performing this work.

1 We have the standard of 20
2 installations, but that doesn't necessarily even
3 indicate that the person or the installer is an
4 electrician by trade or a contractor by trade.

5 MR. ROCKROHR: Oh, you mean for that prong
6 because 468.60D talks about an electrical contractor
7 who is not a qualified person can do the work if
8 they're supervised by a qualified person.

9 As in the nature of some of the other
10 comments, if you look at this section and you see a
11 hole that we've missed, we'd welcome input. We tried
12 to cover that, but if we missed something, we'd
13 welcome your comments.

14 MS. PHILBIN: Thank you.

15 MR. LEE: I'm Robert Eaton. I'm with Day and
16 Night Solar.

17 JUDGE ALBERS: Can you talk right into the
18 microphone?

19 MR. EATON: I can speak up. I'm pretty loud as
20 well.

21 My name is Robert Eaton. I'm with Day
22 and Night Solar. We're located at 1605 Eastport

1 Plaza Drive, Collinsville, Illinois 62234; phone
2 number (618)344-4001.

3 I wanted to further ask that question
4 because I've been in this business since it started
5 in '08. I am also the vice president of a PV
6 manufacturer in Texas, and we really commend that
7 Illinois is putting some statutes in place, but we
8 feel they need to be more specifically addressed,
9 especially in solar.

10 MR. LANNON: We lost you.

11 JUDGE ALBERS: Get closer to the microphone.

12 MR. EATON: We just feel that, first, we
13 commend the state for doing something in putting
14 regulations in place, but as far as solar goes, they
15 need to be very specific.

16 I do work from Hawaii to North
17 Carolina throughout the country, and we need to make
18 sure...the wording that's in there does not address
19 specific solar training. I work with some of the
20 best IBEW electrical contractors in the state, very
21 good electricians but a lot of them do not have the
22 solar training without going through the training

1 course like IBEW offers, whether it's IBEW, NABCEP,
2 ETA.

3 We feel that that's an important
4 requirement that they have passed one of the three
5 national at least programs because then we as a
6 distributor and designer, we've done more than a
7 megawatt in Illinois.

8 It's key that these companies have
9 training beyond just being a licensed electrician. I
10 think it's very important that we put structure in
11 there that says there's a certain level and that
12 there is a supervisor on site that has that
13 certification. We will be much better off as a state
14 and as an industry if those are made part of this
15 program.

16 That's more of a statement than a
17 question but I don't see it being addressed that
18 specifically, and I feel in solar it needs to be that
19 specific because there are products out there that
20 don't shut off. There's new battery systems coming
21 out so that they can't have issues when the grid goes
22 down.

1 We need to be very much in tune, and
2 those people that are not specifically in this space
3 are going to put other people at risk, and that's my
4 comment.

5 JUDGE ALBERS: All right. Thank you.

6 MR. SCHMIDT: I have a comment. I have a
7 question.

8 JUDGE ALBERS: Excuse me. Do we have any more
9 questions then for the staff or are we moving to
10 comments?

11 MR. SCHMIDT: Yes, I have a question.

12 Bernie Schmidt with Renewable Energy
13 Alternatives.

14 My question is since in Illinois in
15 order to install or get a permit to install a solar
16 energy installation you need a licensed electrician
17 registered on the permit application, what makes this
18 rule better or different or it covers something that
19 that process has missed?

20 Is there a little redundancy here?
21 Why can't we just stick with the existing methodology
22 that Illinois uses. Everywhere you go to install

1 anything, there's always a permit jurisdiction, so
2 you need to get qualified by them in order to install
3 it through an electrical license.

4 MR. ROCKROHR: This is Greg Rockrohr again.

5 It's possible that there could be
6 redundancy if their local requirements were identical
7 to what was in the rule.

8 What the rule does is it kind of makes
9 the same requirements statewide that the ultimate
10 installer has completed a registered Department of
11 Labor training course, and the reason for that again
12 was because that most represented or best represented
13 what was required by the statute in staff's opinion.

14 So we do not in this rule spell out
15 specific requirements for any particular technology,
16 i.e., wind, solar, diesel. This is a rule that is
17 meant to be applicable regardless of the technology.

18 So anyway, that was kind of where we
19 were coming from with it, and your point that if a
20 local jurisdiction already had the same requirements
21 that are in the rule, there would be duplication,
22 you're exactly right. There would be.

1 MR. SCHMIDT: Well, sure, that's true, but I
2 think the rule, really, the only difference between
3 the rule and the existing requirements for getting a
4 permit is the fee and maybe the experience level,
5 whereas NABCEP I think requires five installations
6 plus training and for you to take their test.

7 You know, I think the 20 installations
8 is a little onerous and burdensome, and also, the fee
9 \$50 sounds reasonable to me. We already have to pay
10 fees for business licenses and permit licenses in
11 every jurisdiction that we work which could easily be
12 10- to 20,000 a year if you work in as many as we do.

13 So I really object to the redundancy
14 of the ruling. I think if you follow what's already
15 going on with the permitting and require that, I
16 think the rule would be fine.

17 Thank you.

18 JUDGE ALBERS: Thank you.

19 I believe we have a question here in
20 Springfield.

21 MR. JANOWSKI: Yes. Anthony Janowski, Chicago
22 Regional Council of Carpenters. We represent 243

1 training centers throughout the United States and
2 Canada.

3 In the questions we're talking about
4 the Department of Labor certification programs. The
5 DOL, which is the Department of Labor, has recognized
6 this as a multicraft process. Between 60 and 70
7 percent of this is nonelectrical. The comments made
8 about the manufacturer end of it is a key component.
9 The product is only as good as the installation and
10 incorporating NABCEP, you know, is a good practice,
11 recognizing apprentice training centers, but also
12 working with the product manufacturers to create a
13 certification program that is site specific because
14 there are a lot of different products. There's a lot
15 of different technology, and with that new product
16 and technology, there's also a lot of comprehensive
17 installation practices that need to be conveyed. So
18 that was the comment on that.

19 United Brotherhood of Carpenters are
20 installing solar on the east coast and west coast.
21 We have a lot of other assignments with the product
22 manufacturers, everything to do with the

1 nonelectrical end of it, so we'd like to recognize
2 the United Brotherhood of Carpenters to be also as a
3 qualified person or entity for doing the solar
4 installations throughout the State of Illinois.

5 Thank you.

6 JUDGE ALBERS: Is there a question?

7 MR. RIEGEL: Yes. This is Garrison Riegel
8 spelled G-a-r-r-i-s-o-n R-i-e-g-e-l representing
9 Solar Service, Inc. at 7312 North Milwaukee Avenue,
10 Niles, Illinois 60714. That's (847)677-0950.
11 E-mail is garrison@solarserviceinc.com.

12 My question is with regard to the
13 definition of install. I'm curious if that is
14 limited to the point of interconnection with the
15 utility grid or if that covers all aspects of DG
16 installations including say installing a pole for a
17 winter vine or installing a racking system for a PV
18 installation or are we specifically talking about the
19 AC interconnection with the utility grid, something
20 that the ICC already is covering with interconnection
21 standards.

22 Thank you.

1 MR. ROCKROHR: The intention of the definition
2 of install was to include the electrical aspects of
3 the installation on site.

4 In other words, it's not only the
5 point of interconnection with the utility but it's
6 all the on site electrical wiring and connections
7 that aren't necessary in order for that
8 interconnection to have occurred.

9 MR. RIEGEL: Do you consider racking systems
10 and poles for wind turbines electrical components?

11 MR. ROCKROHR: I don't consider a pole for a
12 wind turbine to be an electrical component.

13 MR. RIEGEL: Racking systems for solar PV
14 installations?

15 MR. ROCKROHR: If by racking systems you mean
16 the mounts, no, I would not.

17 MR. RIEGEL: Do you plan to clarify this in a
18 future draft?

19 MR. ROCKROHR: Not unless it's recommended in a
20 comment.

21 MR. RIEGEL: Speaking of comments, how do we go
22 about submitting written comments to the ICC for this

1 docket?

2 JUDGE ALBERS: Okay. Well, I'll start at the
3 very beginning.

4 I think there's some ambiguity as to
5 what version of the rule is in place so to speak for
6 first notice, and I did look it up.

7 The rule can be found on the Secretary
8 of State's Illinois Register Web page. That Web page
9 is www.cyberdriveillinois.com.

10 When you get to that opening page,
11 click on departments. Then click on index, and then
12 click on register.

13 When you get to that, scroll down.
14 There's going to be a bunch of dates for the various
15 issues of the Illinois Register that were issued in
16 2012. Scroll down till you see November 2, 2012, and
17 click on that link. It will open up an actual
18 electronic version of the Illinois Register, and if
19 you just scroll down, right there in the proposed
20 rule, it's the first proposed rule listed, Illinois
21 Commerce Commission, Part 468, it's got the page
22 number of the Register. Just scroll down till you

1 see it, and that's the actual First Notice Rule, 83
2 Illinois Administrative Code, Part 468, Distributed
3 Generation Installer Certification. The page number
4 is 15,413.

5 Whatever comments you have, I was
6 going to save this for later, but whatever comments
7 you have, if you see any deficiencies in the First
8 Notice Rule that you would like to have clarified or
9 expanded upon or whatever changes you think are
10 necessary, please be specific.

11 Telling me, for example, that the fee
12 is too high doesn't help a lot, so give me specific
13 numbers or specific language that you would like to
14 see.

15 What would be very helpful is whatever
16 section of the rule you object to, copy that out of
17 the Illinois Register, and then just, you know,
18 strike through and underline language on how you'd
19 like to have that changed. You know, strike through
20 the stuff you want deleted and then type in the new
21 stuff and underline it so I can be very clear as to
22 what it is you want changed, and then provide an

1 explanation as to why that change is necessary.

2 And if you mail those comments here to
3 the chief clerk's office, make sure that it
4 references this code part, that you're filing
5 comments under this code part so they know what to do
6 with them. There's thousands, you know, there's
7 probably at least several hundred pending dockets at
8 any particular time. Many of those are rulemaking,
9 so we need to know which particular code part these
10 comments are filed under.

11 Send them here to this building, 527
12 East Capitol Avenue, Springfield, Illinois. The zip
13 code escapes me at the moment.

14 DR. SCHLAF: 01.

15 JUDGE ALBERS: 01, 62701. Thank you,
16 Dr. Schlaf.

17 Just make sure that you're referencing
18 the comments on the First Notice Rules being filed on
19 this rulemaking, and the docket number for this case,
20 I also suggest you include that. Actually, I insist
21 you include that. That is Docket 12-0213.

22 MR. MCGONIGLE: Would you repeat that, please,

1 sir?

2 JUDGE ALBERS: 12-0213.

3 So be as specific as possible naming
4 any revisions you'd like to have and make sure you
5 explain why the revision is necessary.

6 MR. LANNON: Your Honor, Mike Lannon on behalf
7 of staff and the Office of General Counsel.

8 I'd also like to, following up on the
9 APA comments, I'd also like to encourage everybody
10 not only maybe banding together to decrease costs but
11 to intervene in the docketed proceeding and file even
12 more formal comments there if that's possible.

13 JUDGE ALBERS: Yeah. If you're interested in
14 becoming an actual intervenor in the official docket,
15 the way to do so that is pursuant to our Code
16 Part 200 Rules of Practice. That's spelled out I
17 believe in Section 200.200. You can get that off our
18 Web page as well, I believe Code Part 200 on our Web
19 page.

20 If you have any questions, our chief
21 clerk's office can address those. I don't have that
22 phone number with me but as you leave at the Chicago

1 location, Springfield location, the chief clerk's
2 office is just on the first floor here in
3 Springfield, and there's someone there in Chicago
4 that can give you the phone number I'm sure.

5 You can call that number. They can
6 try to help you, you know, tell you what you need to
7 do to intervene in the case. I would encourage you
8 to do so. Anyone is welcome to do so, just express,
9 you know, identify yourself and express your interest
10 in the case.

11 Are there any questions on that part
12 on how to go about filing comments then or to
13 intervene?

14 MR. McGONIGLE: May I ask a question of the
15 staff?

16 JUDGE ALBERS: Sure.

17 MR. McGONIGLE: I was unclear after reading
18 468-50, and then it's G and H, an exhibit containing
19 internal corporate organizational chart indicating
20 the position and name of the qualified persons who
21 will perform or supervise installations to satisfy
22 the requirement of this part, and H, an exhibit with

1 a confidential version containing the following
2 information, 468.50H.

3 And my question is this doesn't seem
4 to leave any wiggle room for using subcontractors,
5 for the DG to use subcontractors who do have
6 certification because keeping one on staff would be
7 problematic.

8 MR. ROCKROHR: There was no intention to create
9 a problem with using subcontractors.

10 The requirements are that the
11 subcontractors must be qualified and that the actual
12 installer be directly supervising that contractor if
13 the contractor itself does not have the proper
14 qualifications.

15 MS. WEIL KLEIN: Question from Chicago.

16 JUDGE ALBERS: Go ahead.

17 MS. WEIL KLEIN: This is Madeleine Weil Klein
18 from SoCore Energy.

19 I just wanted to follow up on the
20 previous gentleman's question. The first part of his
21 question was about the definition of install, and I
22 just wanted to read out the language in the

1 rulemaking. I think that the definition was actually
2 incorrectly stated by staff. I just want to make
3 sure we all have a clear understanding of that.

4 The rulemaking says that install means
5 to complete the on-premise electrical wiring and
6 connections necessary to interconnect the
7 distribution generation facility with the electric
8 utility's distribution system.

9 The meaning of install in this part
10 specifically does not include electrical wiring and
11 connections to interconnect the DG facilities
12 performed by utility workers on the electrical
13 utility's distribution system. Does not include
14 electrical wiring and connections internal to the
15 distribution facility or the manufacturer or tasks
16 not associated with the electrical interconnection of
17 the distributed generating facility including
18 planning, project management, etc.

19 It seemed that staff had a different
20 interpretation of what install meant in response to
21 the prior gentleman's question. I just wanted to
22 clarify that.

1 MR. ROCKROHR: Greg Rockrohr again. I think
2 I'm the staff member who talked about that.

3 What was different? I don't know what
4 was different?

5 MS. WEIL KLEIN: You seemed to suggest that
6 electrical assumptions apart from the interconnection
7 of the system to the electric generation, I'm sorry,
8 the electric utility distribution grid qualified as
9 installation under the definition and this
10 rulemaking, and my read of it is that install only
11 applies to the interconnection of the DG system to
12 the distribution grid. Is that correct?

13 MR. ROCKROHR: Well, no, it isn't. Install
14 means to complete the on-premise electrical wiring
15 that's necessary in order to interconnect the
16 distribution generation facility.

17 So if there's confusion about the
18 wording there, maybe that needs to be massaged, but
19 we're not talking about just the interconnection
20 point. We're talking about the wiring necessary to
21 make interconnection possible.

22 Does that clear it up?

1 MS. WEIL KLEIN: So are you suggesting that all
2 electrical work on the customer side of the electric
3 meter would have to be performed by a qualified
4 person under this rulemaking?

5 MR. ROCKROHR: Yes. As part of the
6 installation, yes.

7 MR. THORN: This is Steven Thorn in Chicago.
8 I'm off camera.

9 I think Madeleine's question is
10 getting to the fact that the definition of install
11 uses the verb "to interconnect," and so what's
12 effectively your take is you're expanding the
13 definition of the word "to interconnect" to mean not
14 only to interconnect but do everything electrical on
15 the side of the consumer as well.

16 MR. ROCKROHR: Well, if you read that sentence,
17 it says, Install means to complete the on-premise
18 electrical wiring and connections necessary to
19 interconnect the distribution generation facility."

20 So if there's a different way that
21 you'd like to propose to say that.

22 Our intention was to have the

1 requirement apply to the wiring on the customer side
2 of the meter that is necessary.

3 So if that's not clear and somebody
4 has a different, some different language they'd like
5 to propose, feel free, please.

6 MR. ALBRECHT: Hi. This is also from Chicago
7 as a follow-up. My name is Lisa Albrecht
8 (A-l-b-r-e-c-h-t), and `I'm also with Solar Service
9 in Niles, and my comment is this.

10 I participated in all of the hearings
11 previously, and the intent on this issue specifically
12 was discussed in great detail. In fact, some of the
13 major focus was to determine what the legislative
14 body may have wanted to regulate.

15 Because we have a permitting process
16 in all municipalities, the determination was not that
17 the ICC would in turn regulate all the way down to
18 every wire and every bolt on the consumer side but to
19 protect the grid.

20 It seems as though this interpretation
21 right now is quite different than any of those prior
22 conversations and is a direct turn in a different

1 direction that is very disturbing.

2 MR. CROTEAU: If I could, I would like to
3 comment. This is Bob Croteau.

4 The difference in this wiring issue is
5 that the current state of the art allows the
6 connectors for the solar modules with the inverters
7 to be just plugged into each other. There's no more
8 running flexible conduit and pulling wires, the area
9 where you really do want licensed electricians doing
10 the work. These are like appliances that could be
11 plugged into a wall. They're weathertight
12 connectors, and if you try to install a system, these
13 connections all need to go in while you're laying the
14 panels down into place and securing them to the roof,
15 to the racking system, and to have an electrician do
16 all of that means that now you've greatly increased
17 the cost of the system.

18 On the other hand, I see where it's
19 very important to have the electrician, qualified
20 electrician there at the point where this cabling and
21 everything comes to a combiner box, and then at that
22 point, you want the licensed electrician to bring it

1 in and connect it up to the service panel. That is I
2 think where the difference is.

3 But if they're held up trying to work
4 on the roof as opposed to coming in at the last point
5 and making those critical connections, I think it
6 really puts a burden on small businesses to be able
7 to effectively cost out a system where you have those
8 additional costs. It hampers the whole process.

9 Thank you.

10 MR. ROCKROHR: One comment I would make would
11 be that staff's intention was to limit the rule's
12 coverage to the electrical components or the
13 electrical aspect of the installation because of the
14 statute's reference to Section 128A of the Public
15 Utilities Act.

16 So if the generator itself is being
17 installed and it has some specific characteristics
18 such as you've just described, I think that's
19 something that the rule doesn't cover specifically.

20 Who's going to plug the components, I
21 think I understood you to say that the panels
22 basically plug into one another, that might be

1 something for discussion and a comment as well.

2 When we put this rule together, we
3 envisioned a distributed generator, and somehow that
4 distributed generator has to be connected to the
5 premise wiring and then the utility.

6 MR. CROTEAU: I'd like to just follow up. Bob
7 Croteau again.

8 You do have the electrical inspector
9 that's going to come out and inspect, make sure that
10 those proper connections have all been made as well,
11 so I think you were protecting the public at that
12 point from inefficient wiring practices as well, but
13 it's a different rule than in the past, and I'm a
14 little concerned that the pioneers over the years who
15 have struggled and drug this industry to the point
16 where now it's starting to take off that it's getting
17 ready to be swallowed up by larger interests that
18 will put those who actually birthed it out of
19 business because they can't afford those high fees
20 and the excessive labor costs of having a licensed
21 electrician right there doing the specific while it's
22 (inaudible).

1 If they can get up there and install
2 it, bring the wires to the combiner box, now the
3 electrician can come in and do their part anyway.

4 MS. ALBRECHT: This is Lisa Albrecht in Chicago
5 again.

6 I agree completely with the gentleman
7 speaking in Springfield, and I would like to also
8 bring out the point that when we had these
9 discussions during the draft process, there was many
10 conversations about how is this power source any
11 different than any other power source, and it was
12 compared to a backup generator.

13 There aren't these kinds of onerous
14 rules and guidelines in that technology and,
15 therefore, just because the force of power is the
16 wind or the sun, this type of difficult regulation
17 should not be borne onto the industry. It's very
18 important I think that as we're trying to grow and
19 develop that we make sure that the rules we're
20 putting in place are inclusive and not exclusive.

21 And so adding the additional cost of
22 labor to making sure that every task needs to be done

1 by a licensed electrician I think is unduly onerous
2 and puts a burden on small businesses that will
3 basically destroy that market.

4 And I agree, these are the individuals
5 who have brought this market to the forefront in the
6 first place, and so putting that burden upon them is
7 unfair and unjust.

8 (Applause)

9 JUDGE ALBERS: All right. Well, it sounds like
10 we're getting away from the questions for staff and
11 the comment area, so with that, I'd like to go ahead
12 and excuse the staff and thank them for their time.

13 We do have a couple of power point
14 presentations.

15 MR. COWGILL: One more question for them.

16 JUDGE ALBERS: Okay. Well, you were sitting
17 there so I'll let you go.

18 MR. COWGILL: Ron Cowgill (C-o-w-g-i-l-l). I'm
19 a local licensed electrician and installer.

20 I think that this is only going to
21 apply to grid tied connections, correct, so off-grid
22 connections are not going to be required to have a

1 state license?

2 DR. ROCKROHR: Staff's interpretation of the
3 statute for distributed generation was that it would
4 have to be interconnected.

5 MR. COWGILL: Okay. So off grid is not going
6 to be required to have any state licensing at all.
7 Equally as dangerous because of the amount of
8 batteries that are required to do that.

9 The other part is when we do grid tie,
10 we already have to go through interconnection and get
11 permission to connect. They certify all the
12 materials that we install, so why can't that same
13 person also certify the installation like they
14 already have?

15 Covering this rule to make sure
16 everything is installed properly, you have an
17 inspector as previously stated that comes out and
18 inspects to make sure the connections are correct.
19 That covers the rule and now you're not placing all
20 these additional rules on installers and fees, and it
21 solves the problem for both sides in my opinion.

22 And as for the fees, I think the fees

1 should be the same as the requirements for a state
2 licensed electrician.

3 That's all. Thank you.

4 DR. SCHLAF: Judge Albers?

5 JUDGE ALBERS: Yes.

6 DR. SCHLAF: I just wanted to mention that we
7 can link on the distributed generation rulemaking
8 page that has been created on the Commission's
9 website, a link to the published rule, if that's
10 possible, and from the Illinois Register.

11 So that would be the Commission's home
12 page, the electricity subpage or Web page under
13 distributed generation rulemaking, and there's a link
14 that you were describing before. We will attempt to
15 link to that, to the published rule, to make it
16 easier for the parties.

17 JUDGE ALBERS: Okay. All right. Thank you.

18 All right. With that then, in terms
19 of comments, I did get a couple of prepared
20 presentations e-mailed Thursday as I indicated, so
21 why don't we try to take care of those, and I would
22 ask though that we try to, given the number of people

1 that want to comment apparently and as allowed by the
2 statute, I'm going to try to enforce a five-minute
3 limit on comments just so we can keep things, you
4 know, moving along here.

5 So we do have one...

6 MR. BECKER: One just very, very short
7 question, and I'm out of here.

8 JUDGE ALBERS: All right, Mr. Becker.

9 MR. BECKER: Thank you so much.

10 I've been involved with IBEW and solar
11 training for about 15 years, and, to my estimation,
12 there may only be about, oh, 80, maybe 70 trained
13 apprentices in solar energy in the State of Illinois.
14 134 and 601 in Champaign are very big into this, but
15 I'm told that they don't train people in small wind.
16 They want to but the funding and sources and grants
17 are hard to get.

18 There are thousands of these projects
19 coming, and we only have a few, maybe a hundred IBEW
20 people trained. So there's another hinge point there
21 for you to think about. The IBEW may not be putting
22 out in every local a training program that could

1 serve the needs as we get into this monstrous
2 distributed generation epic that we're in.

3 So if staff has contacted the IBEW and
4 knows the number of trainees coming every year, I
5 think that would be really important.

6 That's all for me.

7 JUDGE ALBERS: All right. Thank you.

8 MR. MCGONIGLE: One more question, please, sir?

9 JUDGE ALBERS: I've got to cut it off at some
10 point because we need to keep moving. We're running
11 short on time, so we'll take a short break here.

12 (Recess taken.)

13 JUDGE ALBERS: Back on the record.

14 Ms. Skolnick, if you'd like to go
15 ahead.

16 MS. SKOLNICK: Sure. Rochelle Skolnick on
17 behalf of IBEW, and with me is Harry Ohde. He'll say
18 a little bit about himself in a minute when we start.

19 We just want to make a few comments
20 about a couple of aspects of the draft rule and also
21 about the work that's at issue here and the training
22 that is offered by DOL registered apprenticeships and

1 training programs.

2 MR. OHDE: Thank you, Rochelle. My name is
3 Harry Ohde (O-h-d-e). I've been an electrician for
4 32 years. I've been an instructor for the last 22
5 years. I'm also a representative on the National
6 Electrical Code Committee representing IBEW on that
7 committee, and I also represent the IBEW and several
8 other committees from the National Labor
9 Organization.

10 Basically what I want to talk about is
11 what we see up on the slide up here is basically in
12 credentialing for a five-year apprenticeship program,
13 and basically it's pretty much forced throughout the
14 whole State of Illinois as far as IBEW.

15 Basically, your apprenticeship is
16 going to consist of 8,000 hours total of which 1,200
17 of it is based on classroom, so that's based on five
18 years, and then with that, we have to mix it with --
19 that's what they're got to get their hands on,
20 masters. Remember, apprenticeship programs, this
21 word has been around for years. It's just not
22 something that's been brought up here.

1 Apprenticeship programs have been around and have
2 been very, very successful for decades.

3 So with the 6,800 hours on the job,
4 between those two, that person now becomes a
5 journeyperson.

6 The United States Department of Labor
7 is registered and approved under submitted standards.
8 Basically here we look at not -- the journeyman also
9 when he comes back, he also comes back to night
10 school on his own, and he does take a lot of classes
11 such as solar photovoltaic.

12 Also, our school is part of the United
13 States Department of Labor registered program. We
14 also work with community college accredited course
15 work, junior college, and this is just a partial list
16 of what we go through of a coursing content. This is
17 what our apprenticeship program consists of. It goes
18 over the five years.

19 With that, it also falls under the
20 definition, and probably the most important, of job
21 description from the United States Department of
22 Labor, what a maintenance electrician is, and if we

1 take a look at 6432, that first sentence up there
2 pretty much says what it's all about: Performs a
3 variety of electrical trade functions such as the
4 installation, the maintenance, or the repair of
5 equipment for the generation, the distribution, or
6 the utilization of electric energy.

7 All right. Now, so far I haven't
8 really heard too many people talk about probably the
9 most important part which is the National Electrical
10 Code. Like I had told you before, I represent the
11 IBEW. I'm on the National Electrical Code Committee,
12 and the National Electrical Code goes through
13 revisions every three years, and with that, this
14 solar industry changes dramatically. Solar
15 photovoltaics was first introduced in the National
16 Electrical Code in 1983, and it's upgraded and
17 revised every three years.

18 We just got back from California, and
19 they're now working on the 2014, and we're going to
20 see some major, major changes on this NEC.

21 Probably what I really want to point
22 out about the NEC is in 690.4E, they tell us all of

1 the work done by solar photovoltaics, whether it's
2 installing of the equipment or the installation of
3 material, has to be done by a qualified person.

4 So the United States Department of
5 Labor registered programs, what are some of the
6 results. Well, up in Chicago we've put up about
7 20 megawatts, IBEW, installed by the United States
8 Department of Labor registered program graduates in
9 Illinois to date, and to offset not just the
10 electrical part, there was a 6G certified welding
11 requirement to put the structure up. Customer
12 satisfaction on that job is unbelievable.

13 So what happens on a typical job from
14 the beginning to the end. We train our electricians
15 to do our projects from the blueprints, schematics
16 for PV projects that are developed by architects or
17 professional engineers and probably, somewhat even
18 more important, these jobs that we're talking about,
19 their drawings have been approved by the AHJ or,
20 basically, you can also say the electrical inspector.

21 All right. So some of these things
22 I've been talking about, some of these things that

1 are part of our training, some of the things that are
2 relied upon is going to be the system design, project
3 management, and to make sure that every installation
4 is NEC compliant.

5 You know, we talk about we've got DC
6 voltages. We've got AC voltages. We have a mixture
7 of everything here. We also have mechanical
8 requirements. Some people made a mistake about that.
9 We need to talk about what 690 does, the definition
10 of an array of qualified persons.

11 This happens to be a job done in
12 Chicago. This was the one megawatt job done by one
13 of our contractors out there. At the DuPage Water
14 Reclamation Department does a beautiful job right
15 there.

16 All right. So now what else happens
17 here, what else do we do for training. We also take
18 evolving electrical technologies such as variable
19 frequency drives, programmable controllers, smart
20 grid is a big part we're going to be seeing, building
21 automation, fuel cells, facility based energy storage
22 process control. All these things are what we have,

1 and what they do is they give us what we're going to
2 call a requisite skills set.

3 Electricians are also mechanics. We
4 can talk about the roof penetrations, concrete coring
5 and bracketing for conduits and supports.

6 All right. So what should the
7 Illinois Commerce Commission goal be. They should
8 probably make sure that each solar photovoltaic
9 distribution generation system has a safe and
10 reliable installation. The NEC has to be used as a
11 safety monitor for the standard, and it is in the
12 document.

13 Based on National Fire Protection
14 Agency statistics, 2007, there was almost 400,000
15 house fires, 2,900 deaths, many of them electrical in
16 origin.

17 So I'm trying to think to myself, one
18 of the things that people try to stay away from in
19 general is electricity. The people that are trained
20 for electricity are the ones that you call all the
21 time.

22 NEC, the National Electrical Code, the

1 mandate that we have accurate load calculations,
2 grounding and bonding, I can't say enough about that.
3 We just don't have enough time. Overcurrent
4 protection, correct conductor size and other safety
5 considerations. Integral component of electrician
6 training including both AC and DC theory as can be
7 seen on distributed generation.

8 Additional benefits would be if you
9 can identify different electrical issues that can be
10 safely rectified. Troubleshooting ability in PV and
11 electrical systems.

12 UNIDENTIFIED SPEAKER: Commissioner, this is
13 (inaudible). It's been about nine minutes now. I
14 just wanted to remind you we were talking about a
15 five-minute presentation.

16 Thank you.

17 MS. ARMSTRONG: Also, there are some people in
18 Chicago that need to leave before noon that have
19 about one to two minutes of comments each, and they
20 want to make sure they have time to participate.

21 JUDGE ALBERS: All right. Thank you.

22 Wrap it up here very quickly, and we

1 will mark this.

2 MR. OHDE: All right. So United States
3 Department of Labor registered program participants
4 are prepared technically, both apprentices and
5 journeypersons, and they're adaptable to changing and
6 demanding construction environments and undergo
7 leadership, people skill and foreman training, and we
8 have professional customer interactions.

9 MS. SKOLNICK: I just want to jump in here and
10 sort of wrap up a little bit.

11 The statute requires that the
12 certification requirements have to be consistent with
13 16-128 A, and that requires that individuals
14 performing the work have, as I think Mr. Schlaf or
15 Mr. Rockrohr said earlier, the knowledge, skills,
16 training, experience and competence levels that are
17 consistent with those required of the electric
18 utilities in 2007.

19 The statute further defines that as
20 sort of a two-prong requirement as I alluded to
21 earlier.

22 It's our position that as written, the

1 proposed rule doesn't comply with the statute in its
2 definition of who is a qualified person. We believe
3 that both the grandfathering requirement, the 20
4 installations, and the fact that the rule as drafted
5 would allow people who do not comply with those
6 requirements set forth in 16-128A, that in both of
7 those respects, the rule does not comply with the
8 statute, and it needs to be rectified.

9 I think we can end our presentation
10 there and let someone else speak. Thank you.

11 JUDGE ALBERS: Thank you. And we'll mark this
12 as -- do you have a hard copy of your presentation, a
13 nicer version than I have which is colored?

14 MS. SKOLNICK: Yes.

15 JUDGE ALBERS: We'll mark this as Public
16 Hearing Exhibit 1.

17 MS. SKOLNICK: Okay. IBEW Public Hearing
18 Exhibit 1 or do you want to just have a general set
19 of exhibits for the public hearing?

20 JUDGE ALBERS: Just have a general set.

21 And I don't think the other power
22 point presentation we have is going to be presented

1 over the computer. I think someone is just going to
2 use their hard copy.

3 We'll go ahead and go off the record.

4 (Whereupon an off-the-record
5 discussion transpired at this
6 time.)

7 JUDGE ALBERS: Go ahead, Mr. Wolf.

8 MR. WOLF: This is Tom Wolf, Chamber of
9 Commerce. Thank you very much for having the
10 hearing, and thank you for allowing me to speak very
11 briefly.

12 I'll make more specific information
13 available, written comments that's due on the 17th.
14 I wanted to just point out a few big picture items
15 before I headed out.

16 The key nature of this exercise, and
17 some of the earlier presentations brought that in, is
18 to follow the law that was created by the legislature
19 without creating a burden for this burgeoning
20 industry and we think that a few areas, a few draft
21 rules fall short.

22 There's already been discussion about

1 the application fee. I'm happy to hear that the
2 staff has been looking at a lower fee to recommend to
3 the Commission and hope the Commission takes that
4 recommendation seriously. We thought the \$3,000 fee
5 was a barrier to entry, and we're looking for other
6 numbers which we'll specify by the 17th.

7 The qualifications in the draft rule
8 we believe are another barrier to entry. Focusing
9 solely on the Department of Labor certified programs
10 will leave out qualified electricians and contractors
11 throughout the state that are more than qualified to
12 do the job.

13 We believe the Illinois Commerce
14 Commission would like distributed generation to
15 thrive in the state if the market takes off, and this
16 will only limit it to a smaller subset of
17 electricians with little, if any, benefits to
18 consumer safety. To be clear, if this is approved,
19 it's my understanding that some electricians in the
20 state will be able to work on high rise construction,
21 complicated manufacturing electrical installation,
22 and even stadium construction in Illinois but will

1 not be able to put in solar or wind turbines on
2 someone's home or business.

3 Licensed electrical contractors have
4 personnel and training for this work and therefore
5 should be allowed to provide the services, whether
6 they're big or small. I'll let the experts here
7 describe later some other opportunities besides DOL
8 standards. They have more expertise on this.

9 But from the Chamber's perspective, we
10 want to make sure that this is open to all businesses
11 of all size with the appropriate qualifications that
12 keep people safe and keep the burgeoning industry
13 available to create jobs that benefit the State of
14 Illinois.

15 Thank you for your time, and I
16 appreciate the opportunity to be part of this
17 process.

18 JUDGE ALBERS: Mr. Wolf, could you send a hard
19 copy of your presentation to me.

20 MR. WOLF: Sure.

21 JUDGE ALBERS: Go ahead, sir.

22 MR. WALSTEN: Mark Walsten. It seems to me

1 like you're trying to make a better mousetrap here.

2 From a municipal perspective, I think

3 we have it covered. IBEW seems to have it covered.

4 The redundancy to me is just, it's uncalled for I

5 believe, and, you know, if you want to raise revenue,

6 there's plenty of ways of doing it.

7 And speaking of revenue, I don't agree

8 with the amount. I think it's very excessive. It

9 just seems to me that the better part of this is

10 unnecessary. It's already covered and just because

11 it's sun and wind, you're doing a whole new caveat on

12 something that I believe is already being taken care

13 of right now.

14 Thank you.

15 JUDGE ALBERS: Thank you, sir.

16 Anyone else that has to leave soon?

17 MS. HELENOWSKI: Yes. My name is Jek

18 Helenowski with Square One Company.

19 JUDGE ALBERS: Sir, could you please spell your

20 name?

21 MR. HELENOWSKI: J-e-k H-e-l-e-n-o-w-s-k-i.

22 I've been involved in renewable energy and energy

1 efficiencies for over two decades. One project we
2 worked on, just to give you a little background got
3 either the highest or the highest LEED score in the
4 world for a project we did here in Chicago.

5 My question is, since Illinois has a
6 renewable energy policy where 25 percent of all our
7 energy in Illinois according to 20 ILCS 38551-75, 25
8 percent of our energy in a little over a decade is to
9 be renewable power in our renewable portfolio
10 standard.

11 Has your Commission taken into account
12 that limiting new people coming into the business in
13 terms of down the road, new companies getting in,
14 have they figured that this will restrict the number
15 of people coming in and make this renewable portfolio
16 standard nearly impossible?

17 JUDGE ALBERS: Is that the end of your comment,
18 sir?

19 MR. HELENOWSKI: That was the question. Has it
20 been taken into account by your committee or your
21 Commission about limiting people or more companies
22 coming into this business down the road, especially

1 when it seems like what I've heard today there's been
2 no issues with safety or fires, human health or
3 property damage when done by established people.

4 You have to realize that any renewable
5 energy system grid connect being put in has to meet
6 certain standards in the Chicago area. Commonwealth
7 Edison I'm sure, similar energy companies in other
8 parts of the state, and good connect meters have to
9 meet what's called UL 1741 standard, whether it's UL
10 or other proposed laboratory, which basically makes a
11 grid connection system safe, whether it's solar,
12 wind, solar thermal and so forth, or anything outside
13 the facility where you have the system to protect the
14 lines basically from damage to the line under storm
15 solar 1741 which has been a requirement for many
16 years.

17 The systems I've worked on have the
18 requirement, and again, no issues of safety. Again,
19 working with limiting the number of people getting
20 into our business, how will this help anyone?

21 JUDGE ALBERS: All right. Sir, I mentioned
22 that would have been a question better posed to the

1 staff members, and we're past that point now, but
2 you're welcome to express that concern in your
3 comments if you choose to file any written ones.

4 Did you have any other comments today?

5 MR. HELENOWSKI: Not at this time. I'll put it
6 in writing.

7 JUDGE ALBERS: All right. Thank you.

8 Anyone else that needs to leave soon
9 whether there in Chicago or here in Springfield?

10 MR. FLEEMAN: This is Steve Fleeman from Rock
11 Valley College, Sustainable Energy Systems Program;
12 also on the chair of Electronics Technician
13 Association International, and there's two
14 deficiencies that we've identified in the proposed
15 draft rules, and the first ignores the extensive
16 community college system in Illinois where we have a
17 number of installer programs, designer programs all
18 approved by the Illinois Community College Board, so,
19 you know, I think we'd be lacking and remiss if we
20 didn't include that as an option.

21 The other thing is, and I was involved
22 with the workshops over the summer where we talked

1 about certifications that would require examinations,
2 both theory and hands on, and that was omitted from
3 this version of the draft rules, but basically, there
4 is organizations like the North American Board and
5 Certified Energy Practitioners (NABCEP) and the
6 National Electronics Technician Association that
7 offer examinations and hands on tests to ascertain
8 and demonstrate the qualifications of distributed
9 generation and scholars, and I think those should be
10 folded back into the draft rules.

11 So two points: community college
12 system and individual certifications to demonstrate
13 their competency.

14 Thank you.

15 JUDGE ALBERS: Thank you, sir.

16 MR. AILEY: This is John Ailey in Chicago. I'm
17 a licensed electrician. I have a long experience as
18 an electrician. My partner and I are just beginning
19 to get into the solar installation business.

20 The proposed rules are clearly quite
21 burdensome to a new small startup company, both on
22 the question of the fee which a lot of other people

1 have talked about, and I totally agree that the fee
2 is totally excessive. The issue of how to get
3 certified to begin doing these installations is
4 another big question.

5 I have an electrical license in the
6 City of Chicago, and I give my respects to Harry Ohde
7 as my instructor that helped me get that license. I
8 do have to respectfully disagree with some of the
9 IBEW positions on this issue, but I do want to give
10 total respect to Harry Ohde as an instructor on the
11 Chicago Electrical Code.

12 What I want to make sure is that you
13 don't set up a system where the existing companies
14 can more or less dictate who else gets into the
15 field.

16 In order to get a NABCEP certification
17 for example, you have to do five installations. If
18 in order to do those installations you have to work
19 for a firm that already has a NABCEP installer, a
20 certified installer there, you know, it's just really
21 going to be an impractical way for people to get into
22 the business.

1 I think we need to have some
2 flexibility here in terms of the training and
3 qualifications. Certainly training and
4 qualifications are important. I teach industrial
5 electricity at Prairie State College for example,
6 and, you know, I totally agree that people need to be
7 trained and properly educated on how to do these
8 installations, but I think we need to have more
9 flexibility in the way we allow people to get into
10 this business.

11 Thank you.

12 JUDGE ALBERS: Thank you, Mr. Ailey.

13 Anyone else in Chicago or shall we
14 turn to Springfield now for those who need to get
15 going?

16 MS. MCCAIN: Hi. This is Lesley McCain with
17 the Illinois Solar Energy Association. They spoke
18 about most of the things I was going to say and we
19 don't want to belabor the point, but I do want to
20 thank the Commission for granting the hearing and
21 also accommodating us since we do have members
22 throughout the state so that people are able to speak

1 in Springfield but also here in Chicago, and as you
2 can see, you know, we're a pretty passionate group.
3 We want to see clean renewable energy built in our
4 state for all of the many reasons including jobs in
5 our economy as well as clean air.

6 I understand that the Commission, you
7 know, was dictated by the state legislature that they
8 need to put together this ruling. I'm just hoping by
9 what you hear today and also through the comments,
10 the written comments that will be made, that you try
11 to be as inclusive of people being able to do
12 business in the state for all the reasons that I've
13 already stated.

14 So thank you for your time. We
15 appreciate it, and we will be submitting further
16 written comments along with the rest of our
17 membership.

18 JUDGE ALBERS: Thank you.

19 We'll turn to Springfield now.

20 MR. JANOWSKI: Chicago Regional Council of
21 Carpenters, Tony Janowski.

22 MS. ARMSTRONG: We can't hear you in Chicago.

1 MR. JANOWSKI: Can you hear me now?

2 MS. ARMSTRONG: Yes.

3 MR. JANOWSKI: Anthony Janowski

4 (J-a-n-o-w-s-k-i) with the Chicago Regional Council
5 of Carpenters.

6 Just to discuss this docket in the
7 1628123, the carpenters are recognized to install the
8 solar. We are doing it on the east and west coast.
9 There's a lot of components that go into the
10 system -- understanding fault protection, radiation
11 exposure. We have certified welders, anything to do
12 with the rack systems, the testimonials from large
13 manufacturers, one being Unirac stating that the
14 carpenters are the best candidates for best practice
15 installations of the components for the system. This
16 is the nonelectrical power portion of that.

17 In that docket, in addition, we'd like
18 to see as the DOL register United Brotherhood of
19 Carpenters Apprentice Training Center and United
20 States Department of Labor register the Carpenters
21 Apprentice Training program also be recognized in the
22 rule.

1 I will send over a comment. I will
2 just read through the first part of this.

3 Before the adoption of the 12-0213,
4 the United Brotherhood of Carpenters requests to the
5 ICC and all parties involved to adopt the following:

6 Request to incorporate contractors and
7 members affiliated with the United Brotherhood of
8 Carpenters and the Carpenters Apprentice Training
9 Center Program as an entity to be recognized in the
10 purpose rule as a qualified person seeking the
11 qualification to receive the certification from the
12 Illinois Commerce Commission.

13 The Department of Apprentice Standards
14 found that the solar occupation is clearly a
15 multi-craft occupation. The process of installing
16 photovoltaic systems includes tasks that are already
17 within the work processes of many established trades
18 and is a part of those apprenticeship programs such
19 as our carpenters and millwrights.

20 In addition, the carpenters are also
21 performing the same scope of work in the United
22 States and Canada with the following scope:

1 All installations, erection, and
2 connection of, but not limited to, building
3 integrated photovoltaic arrays, solar shingles,
4 ground mount systems (commercial, industrial, and
5 residential), roof mount systems (commercial,
6 industrial and residential), and utility scale ground
7 mount systems (shade structures, self-supporting
8 structures, parking structures awning structures)
9 solar panels, arrays, modules, concentrating panels,
10 flat panels, including photovoltaic panels, including
11 their supporting structure, shade structures, stand
12 alone, etc., both on and off shore.

13 This goes on with a few other comments
14 but I will submit my comments just in respect to
15 everybody's time.

16 This is a market that's evolving.
17 It's very important that not only with the best
18 practice installations that we indenture safety and
19 training programs for the well-being of the installer
20 of the products.

21 JUDGE ALBERS: Thank you.

22 Anyone else in a hurry?

1 If not, we'll turn to prepared
2 presentations, so from ETA?

3 MS. MAHER: Theresa Maher, ETA International.
4 I believe the comments that Professor Fleeman made
5 were a condensation of that.

6 JUDGE ALBERS: Oh, okay.

7 UNIDENTIFIED SPEAKER: ETA is not going to
8 present.

9 JUDGE ALBERS: Okay. Would ETA like their
10 prepared comments marked in this proceeding?

11 MS. MAHER: Yes.

12 JUDGE ALBERS: All right. Why don't we call
13 that Public Hearing Exhibit 2.

14 I have a prepared statement from
15 SoCore.

16 Anyone from SoCore still there?

17 MS. WEIL KLEIN: Here I am. Madeleine Weil
18 Klein from SoCore.

19 The prepared exhibit that I submitted
20 was just data on solar installer licensing fees in
21 other states.

22 SoCore is a commercial energy

1 installer. We work in about ten states including
2 Illinois and just pulled out some useful data on some
3 of the other fees associated with it, so that's all
4 I'll say about that.

5 You can see for yourself that the
6 proposed fee of \$3,000 in Illinois is many, many
7 times higher than it is in other states, but since
8 the staff is going to be revising the proposal, I
9 don't need to harp on that.

10 I did want to make a couple other
11 comments.

12 You know, another resource that is
13 found in the course of thinking about this rule is
14 the Illinois Department of Employment Security's
15 website that contains licensing requirements and also
16 associated fees from literally hundreds of different
17 jobs in the State of Illinois.

18 You know, one thing that's notable
19 about it is that the fees are all on the order of,
20 you know, 50 to a couple hundred dollars.

21 Another thing that's notable is that,
22 you know, as we discussed in this hearing previously,

1 there is no licensing requirement for electricians in
2 the State of Illinois.

3 For whatever reason, that has always
4 been left to the municipalities and the counties, and
5 the result of that is that, you know, each of these
6 local jurisdictions has some level of code. They
7 often have the NEC. They require a certain amount of
8 experience. They require insurance requirements, and
9 this is working for the most part.

10 SoCore would much prefer that the
11 Commission not institute a specific training protocol
12 for solar installers. We work with union shops here
13 in Illinois. We work with nonunion shops in
14 Illinois, and overall, we find that licensed
15 electricians do the job very well.

16 So I guess we would just add our voice
17 to the other folks here today that have urged the
18 Commission to be inclusive, look at the IBEW training
19 protocol NABCEP, ETA, and other training programs
20 that are out there.

21 It's hard enough to develop solar
22 energy in the State of Illinois as it is. We don't

1 want to overlay additional requirements that make it
2 even harder to do so.

3 Thank you.

4 JUDGE ALBERS: Thank you.

5 Would you like your fee comparison
6 document marked?

7 MS. WEIL KLEIN: Yes, please.

8 JUDGE ALBERS: That will be Public Hearing
9 Exhibit 3 then.

10 MS. WEIL KLEIN: Thank you.

11 JUDGE ALBERS: Thank you.

12 MR. McGONIGLE: Pardon me, sir. Will those
13 exhibits be made available online?

14 JUDGE ALBERS: Yes. They'll be on our e-Docket
15 system.

16 Are you familiar with that, Sean?

17 MR. McGONIGLE: Not at all.

18 JUDGE ALBERS: I can tell you about that
19 afterwards.

20 MR. McGONIGLE: Thank you.

21 JUDGE ALBERS: Any other comments then? I
22 imagine there are a few. Raise your hand.

1 MR. DERSCH: I am Tom Dersch with Dersch
2 Energies.

3 Regarding the pathway for qualifying
4 for an installer, I believe that it's unnecessarily
5 burdensome, particularly the 20 install feature.

6 The key is to determine the extent to
7 which someone has the knowledge to perform an
8 installation, and one way to go about that is to look
9 at whether or not they have met the requirements of a
10 respected and recognized national certification
11 program.

12 One of those programs that's available
13 in the industry right now is NABCEP, North American
14 Board of Certified Energy Practitioners. In order to
15 become NABCEP certified, one must first undergo
16 extensive amount of training and course work
17 successfully completed. One must also demonstrate
18 that they've applied that course work and training to
19 multiple installs.

20 It's a very serious certification.
21 The test is four hours in length, and I know
22 personally that it's a wicked test. Many people do

1 not pass it the first time. They have to take it
2 sometimes two and three times.

3 There is precedence in the State of
4 Illinois for this certification program. The Office
5 of the State Fire Marshal regulates underground
6 storage tanks, a very serious matter. Underground
7 storage tanks, if the work is not done properly, can
8 result in significant environmental damage. It can
9 also result in fire, explosion, death and disability.

10 So workers, in order to work on
11 underground storage tanks, must first demonstrate the
12 requisite knowledge, and they do that by taking an
13 exam. It's administered through the International
14 Code Council (ICC). It's approximately a one-hour
15 exam, and then you fill out some papers, and you send
16 your fee into the Office of State Fire Marshal along
17 with some safety training demonstration and you're on
18 your way.

19 I happen to be certified in three
20 states for underground storage tank work -- Illinois,
21 Indiana and Kentucky. I'm also involved in solar
22 power installations, and I can say that the NABCEP

1 certification is genuinely real and should be
2 recognized in this document.

3 That's pretty much it. If the 20
4 install feature continues, it's going to be a long
5 time before I'm really able to go out and do what
6 I've been doing and believe that I've been doing
7 quite well.

8 In terms of the fees, I agree with
9 those who have spoken before me that the fees need to
10 be reduced, that the amount needs to be reduced. I
11 certainly don't want to be responsible for the fees
12 being added upon, but I want to say this. The Office
13 of State Fire Marshal charges \$1,000 but it's good
14 for two years, so it's an average of \$500 per year,
15 and so that's significantly less than the \$3,000 that
16 was being spoken about before.

17 If an argument were to be made, I
18 would say that this fee for solar power should be
19 less, not more. Why? Because this is clean
20 renewable energy. It's clean renewable alternative
21 energy. It's something that we need to promote.
22 It's something that we need to do for ourselves, our

1 children and our children's children. Rather than
2 making it the same or more, we need to make it less
3 than the conventional energy technologies that we
4 have before us today.

5 And with that, I will conclude. Thank
6 you.

7 JUDGE ALBERS: Thank you, Mr. Dersch.

8 Raise your hand if you've got
9 comments.

10 Go ahead.

11 MR. MILLER: Christopher Miller, Heartland
12 Community College, professor.

13 First and foremost, I'd like to say
14 that what I believe this docket should be is
15 something that would provide everybody in the State
16 of Illinois with a safe and reliable distributed
17 energy system that will benefit all of us, not only
18 as a taxpayer but as an installer and as a citizen
19 that may have this system installed on their home,
20 and, as such, I believe that this docket should have
21 greater flexibility towards all specific distributed
22 energy systems, not just what the vast majority of

1 this conversation today has been on, photovoltaic.
2 There are very different systems in place today --
3 small wind, biofuels, and solar thermal based systems
4 in addition to the photovoltaics that's been
5 mentioned.

6 There is room for everybody at the
7 table to have standardized training, NABCEP, ETA,
8 IBEW, and from my position as a professor from a
9 recognized Illinois Community College Board degreed
10 program, but I would say this. What my end goal here
11 is to discuss is that every system is different,
12 every outcome is different, and every site is
13 different, and we should recognize that there are
14 multiple pathways that should lead towards employment
15 and certified installers into those areas, and that
16 is my statement.

17 Thank you.

18 JUDGE ALBERS: Thank you, Mr. Miller.

19 MR. PALS: Good afternoon. Craig Pals
20 (P-a-l-s) with Ticktock Energy. We're in Effingham,
21 Illinois. Our company, we were founded in 2006. I'm
22 one of the co-founders with my brothers, and we've

1 installed about 50 systems now since that timeframe,
2 and let me tell you, this is a very difficult market.
3 Doing 50 systems in this timeframe, that's only about
4 five per year. It's not a lot, and we're one of the
5 leading companies I think in the downstate market.
6 We've done several wind turbines and small and large
7 solar-PV arrays. We also do other electrical
8 lighting retrofits and other types of work involving
9 other construction trades.

10 This is a handcuff to the industry. I
11 mean, my brother is my partner. He is actually an
12 IBEW electrician himself. He worked for many years
13 as a field electrician. He has the type of training
14 as a general electrician practitioner.

15 My other brother who runs Pals
16 Electric is our primary subcontractor we hire to do
17 the work. They are also an IBEW member and a union
18 electrician, and when we started, they did not
19 necessarily have the training at that time to do
20 solar and wind. We've done it on our own. We've
21 gone out and sought our own industry training from
22 manufacturers, other training courses, attended

1 seminars, read books obviously, and take a great deal
2 of pride in our work and feel like we've been one of
3 the leading companies in Illinois in this business,
4 and had this type of ruling been in place then, it
5 would have been a huge barrier of entry, let alone
6 the fee. The \$3,000 fee is completely ridiculous.
7 This is something that needs to be seriously
8 considered.

9 One problem in the State of Illinois
10 is just complete inconsistency in licensing
11 altogether. I mean, we work in a fairly rural
12 market, and we've done work in small towns where they
13 might have a city municipal utility. We work in many
14 rural electric co-ops, and often times our systems
15 are one of the first systems installed in those
16 areas, and we're working with the local utility who
17 oversees the very large complex electrical
18 distribution system typically, and our work is
19 finalized and inspected by those folks.

20 So to add another layer of burden on
21 the industry is redundancy, and that point has been
22 addressed by others already.

1 In many parts, in all types of trades
2 because of the inconsistent lack of uniform licensing
3 in the state, you have people running around outside
4 of -- you know, in our market, usually we only see
5 contracting permits required or licensing required
6 when you get into some of the bigger towns, and so
7 then you have to deal town by town, and usually like
8 in Effingham or Mattoon or Champaign or some of those
9 larger municipalities that have the infrastructure to
10 even administrate a permit process and have
11 inspectors, but outside of those areas, you have
12 people doing all types of construction work outside
13 of wind and solar that have no oversight whatsoever
14 in many cases.

15 And so then to come about and put this
16 type of legislation just to single out wind and solar
17 is completely ludicrous in my opinion.

18 So there's some bigger issues
19 statewide involving all types of construction, let
20 alone singling out wind and solar, so that needs to
21 be addressed.

22 You know, in terms of training in

1 general, I mentioned earlier, this is a very tough
2 market. Customers are smart. These systems are
3 expensive. They're a lot of money. They ask a lot
4 of questions. They're usually very educated. They
5 spend a lot of time researching this on the Internet.
6 They ask smart questions, and they expect a lot of
7 any installer. If we're going to have any success
8 whatsoever, if we show up uninformed, we're not going
9 to be able to sell and we're not going to maintain
10 any business.

11 So for someone to even enter this
12 market, they're going to find themselves requiring
13 getting some level of training just to survive. They
14 may try and they may fail. There might be a consumer
15 hurt, but in most cases, I think that's going to be a
16 rare case.

17 So with that, I'll conclude my
18 comments. I think it's, in summary, inconsistent
19 licensing throughout the state. We're unfairly
20 singling out the wind and solar community. You're
21 completely hamstringing a budding market in the
22 state, and the fees are completely ridiculous.

1 Thank you.

2 JUDGE ALBERS: All right. Thank you Mr. Pals.

3 Go ahead.

4 MR. WILHELM: My name is Tim Wilhelm, and I'd
5 like to start by saying I strongly support ETA's
6 comments as made in the document that His Honor has
7 up there.

8 Also, for the staff's and the
9 Commission's consideration, I also strongly support
10 comments made by the Environmental Law and Policy
11 Center on July 26th on the staff's second draft rule
12 of this docket.

13 However, those comments may pertain to
14 the First -- what did you call that, sir -- the First
15 Notice Rule.

16 JUDGE ALBERS: I will tell you any comments
17 that were shared during the workshop process I cannot
18 look at.

19 MR. WILHELM: Oh, you can't?

20 JUDGE ALBERS: Correct.

21 MR. WILHELM: Can the staff or the Commission?

22 JUDGE ALBERS: Yes. Anyone that's part of that

1 workshop I assume would have looked at those comments
2 in preparing a position for the next workshop, but as
3 an administrative law judge, I'm not allowed to look
4 at it.

5 So if somebody wants to reiterate
6 those in their comments filed on December 17th,
7 that's...

8 MR. WILHELM: Then I'll understand that you're
9 forced to ignore my comment.

10 JUDGE ALBERS: No. What I'm saying is I can't
11 go back and look at things that occurred during the
12 workshops.

13 MR. WILHELM: Okay.

14 JUDGE ALBERS: But if you want to make those
15 same points in comments you file on December 17th,
16 that would be fantastic.

17 MR. WILHELM: I will do that, sir. Very good.
18 Thank you.

19 Also, for the benefit of the reporter
20 KCC stands for Kankakee Community College.

21 You've heard this before, NABCEP.
22 That stands for North American Board of Certified

1 Energy Practitioner.

2 NSF stands for National Science
3 Foundation.

4 IREC stands for Interstate Renewable
5 Energy Council/ISPQ stands for Institute of
6 Sustainable Power Quality. U.S. DOE stands for U.S.
7 Department of Energy.

8 And if I've missed any, we can catch
9 those later, and I'm going to read this, and I will
10 give you a copy of this when I'm done.

11 My name is Timothy Wilhelm. I am the
12 program coordinator and professor of electrical
13 technology at KCC. KCC's electrical technology
14 AAS-Degree program includes a focus track in
15 renewable energy technology with courses in
16 solar-thermal, solar-photovoltaic (PV), and small
17 wind energy technology. KCC is a NABCEP-approved
18 entry level solar-PV training provider and testing
19 center and has the only IREC/ISPQ accredited solar
20 training program in the State of Illinois.

21 My qualifications relative to
22 renewable energy/distributed generation technology

1 include: I am an Illinois Registered Professional
2 Engineer. I am a NABCEP-certified solar-PV
3 installer, and I am the only IREC/ISPQ certified
4 master trainer for solar-PV in Illinois. I built my
5 first solar-PV project in 1963 and have been a solar
6 professional since the early '70s working through my
7 sole proprietorship Wilhelm Engineering.

8 My professional solar-PV projects
9 include the first totally solar powered digital
10 telephone exchange in the United States, the first
11 solar powered passenger railway station in the United
12 States, and the new business instructional facility
13 at the University of Illinois, Champaign-Urbana
14 campus.

15 Since the early 1970s, I have
16 performed research in development work and renewable
17 energy under grants from the U.S. DOE and the former
18 Illinois Department of Energy and Natural Resources.
19 Recently and presently, I've been awarded two project
20 grants by the National Science Foundation to support
21 and develop renewable energy courses I've created at
22 KCC.

1 I am seriously concerned that the
2 distributed generation rules as presently worded and
3 proposed by the Commission staff will harm my
4 business and effectively destroy the nationally
5 recognized federally supported and accredited
6 training program I created at KCC.

7 My specific concerns with the staff's
8 drafts include the definitions and delineations of
9 the word "install," the phrase "qualified person,"
10 the word "certification," the proposed fees
11 associated with certification, the proposed
12 requirements relative to licensing, and the proposed
13 requirements relative to DOL apprenticeships.

14 In the Commission's efforts to serve
15 the best interests of the People of the State of
16 Illinois, I implore the Commission to avoid making
17 the final distributed generation rule so restrictive
18 as to strictly limit renewable energy work and
19 employment to union and nonunion licensed
20 electricians that are intelligent, hard working
21 people presently being trained to high levels of
22 renewable energy and distributed generation

1 competence, and they should not be excluded from the
2 DG workplace.

3 Regarding the draft rules pertaining
4 to licensing requirements, it's my best understanding
5 there are no apprenticeship requirements, DOL or
6 otherwise, as a prerequisite to being a licensed
7 electrician in Illinois. Most municipalities and
8 counties have their own licensing requirements for
9 electricians. However, it is most often only
10 necessary for the electrical contractor to have one
11 employee or agent that holds the required municipal
12 or county license.

13 With one licensed electrician on
14 staff, all the remaining employees and workers have
15 no licensing or training requirements. In fact, I
16 believe there is no training requirement for the one
17 licensed electrician. He or she simply needs to pass
18 the local licensing exam which is usually not very
19 rigorous. Thus, conventional electrical licensing
20 has no bearing on knowledge or skill about any
21 particular renewable energy or distributed generation
22 technology.

1 I have had personal experience with
2 solar photovoltaic projects installed by licensed
3 electricians that were either unsafe or poorly
4 executed resulting in subpar system performance,
5 equipment damage, and issues of public safety.

6 The best way to assure proper
7 configuration and performance as well as public
8 safety is to allow for respected and reliable
9 third-party certifications that relate to the
10 specific renewable energy technology being installed
11 or maintained such as certifications available from
12 NABCEP and ETAI.

13 At this stage, renewable energy
14 employment in Illinois, I think it is most
15 appropriate to acknowledge and accept multiple
16 certification options such as those from NABCEP and
17 ETAI.

18 The inclusion of licensing
19 requirements and the draft rule for all aspects of
20 renewable energy system assembly and construction
21 will unfairly bias employment opportunities toward
22 union and nonunion licensed electricians and will

1 impede, damage, and possibly destroy high quality
2 training programs for renewable energy technicians in
3 Illinois.

4 A case can be made here in Illinois
5 that these existing training programs can be just as,
6 if not more, robust than what is available from the
7 some of the JATC (Joint Apprenticeship Training
8 Centers) throughout the state. Kankakee Community
9 College provides just one example of this.

10 KCC has the only IREC/ISPQ accredited
11 solar training program in the State of Illinois. In
12 fact, there are only three such accredited training
13 programs in the entire 16 state central region of the
14 U.S. None of them are JATC programs.

15 As KCC's renewable energy professor,
16 as I mentioned before, I'm the only certified master
17 trainer in the State of Illinois and one of only 25
18 in the country. There are no IBEW JATC trainers in
19 Illinois who hold this certification. The IREC/ISPQ
20 certifications and accreditations are nationally
21 recognized as the gold standards for trainers and
22 training programs in the renewable energy field.

1 In addition to the KCC example, IGEN
2 (the Illinois Green Economy Network) and other
3 community colleges in the State of Illinois, they are
4 all working with MSTN (the Midwest Solar Training
5 Network). This is a multi-million dollar effort of
6 the U.S. DOE to expand solar training capacity and
7 build a competent solar technician workforce in
8 Illinois.

9 I would hope the final draft of the DG
10 rule will not harm or hinder the U.S. DOE strategy to
11 use high quality community college training programs
12 to move the national renewable energy agenda forward.

13 I strongly support the comments of the
14 ELPC as I stated before, and I will put those in
15 comments, sir.

16 In addition, I have the following
17 recommendations:

18 The definition of the word "install"
19 should be limited to the final connection of the
20 distributed generation system to the utility
21 distribution system. The phrase "qualified person"
22 should not be defined by general electrical

1 licensure, but rather, a qualified person should be
2 someone who has been trained for and earned a
3 respected and high quality third-party certification
4 for the specific renewable energy or distributed
5 generation technology on which they are working such
6 as those available from NABCEP and ETAI.

7 The proposed fees, as everyone else
8 has said, should be dramatically lowered, and the
9 proposed requirements relative to electrical
10 licensure should be limited to the specific activity
11 of installing the system per the definition I gave
12 above making that final connection to the utility
13 distribution system.

14 And thank you to Your Honor and the
15 Commission for allowing me to comment.

16 JUDGE ALBERS: All right. Thank you.

17 Others wishing to offer their views or
18 comments today?

19 Mr. Croteau?

20 MR. CROTEAU: Yes. My name is Bob Croteau,
21 Springfield, Illinois.

22 That's a hard act to follow. I really

1 appreciate the professor's perspective.

2 The only thing I'd like to include in
3 this discussion is, again, back to the little guy,
4 the person who might build their own house, do their
5 own plumbing and, in fact, maybe do their own
6 electrical installation on a solar array.

7 Again, the safety comes in the fact
8 that they're going to have to get a building permit
9 to do this work. They are going to have to have it
10 inspected by the electrical inspectors, and whereas
11 solar does still have a very high price tag to have
12 somebody else install the system, it might put it out
13 of their reach, so I think we may be limiting the
14 market, especially when it's struggling as it is on
15 the world front, that it would be I think important
16 that this still be available to the homeowner to be
17 able to install their own array with the
18 understanding that it is going to be inspected and
19 properly attached at that point where a licensed
20 electrician does that final connection.

21 That's all I'd like to say. Thank
22 you.

1 MR. HARROUN: My name is Ben Harroun from Angel
2 Wind Energy, and I'm also coming from the small town
3 downstate aspect. I know a lot of the pertinent
4 points that the IBEW put up on their presentation.
5 Those are good, but they do not really extend far
6 beyond the Chicago metropolitan area.

7 From my personal experience, I've been
8 in this industry for almost five years now, I've
9 installed, between wind and solar systems, roughly 18
10 systems total. I am both NABCEP certified solar-PV
11 installer and an ETA certified PV installer. I have
12 hundreds of hours of training from third-party
13 training facilities such as community college
14 courses, the MREA in Wisconsin which is very large in
15 this area, and also from independent turbine dealers
16 and solar distributors that we work with.

17 I think that the requirement for 20
18 installs as many people have said is far too much to
19 be grandfathered in. Currently my company, just shy
20 of that requirement, does not fit those guidelines
21 after five years of work.

22 My personal recommendation will be to

1 follow something closer to the NABCEP guidelines that
2 requires five installations as a lead installer, but
3 as kind of a counterpoint to that, it does eliminate
4 the people just trying to get into the market. If
5 you do not have the ability to be a part of that
6 installation as lead installer, you cannot qualify to
7 get that certification.

8 The cost everybody has said should
9 come down. I agree with that. I believe, since Alan
10 put an actual number on it, it should be about \$150
11 or somewhat similar to the municipal costs for
12 licensing for a contractor basically. That's a
13 recurring cost. You can set it up so it's once a
14 year or on a biannual basis.

15 The other point with the IBEW is Harry
16 also mentioned on that they don't require their
17 electricians to be trained on distributed generation
18 systems. It's an option for them. So if they're
19 going to go ahead and say we want these guys only to
20 be able to do this and knock out everybody else such
21 as my company and a lot of people that have talked
22 today, then it does not make sense that they should

1 have that as a requirement as opposed to an option if
2 they want them to be able to do this stuff because
3 I've had experience with a lot of union licensed
4 electricians who do not know the DC side of the
5 electrical systems that they're installing, and we do
6 get calls on occasion to actually come in and make
7 comments on how to do those system types.

8 That's about all I have, and I will be
9 making written comments also.

10 JUDGE ALBERS: Very good. Thank you.

11 Other comments or views today?

12 Chicago, I see someone on the screen
13 here.

14 MR. COGAN: Yes. My name is Richard Cogan.
15 I'm with Sun Harvest Solutions and Eco-Solar
16 Solutions here in the Chicago area.

17 JUDGE ALBERS: Will you spell your last name,
18 please?

19 MR. COGAN: C-o-g-a-n.

20 JUDGE ALBERS: Thank you.

21 MR. COGAN: My feeling that I'd like to express
22 right now is that all the renewable energy systems,

1 and they're all good whether it's geothermal, whether
2 it's wind turbines, whether it's solar, they're all
3 good, and they're also much better than some of the
4 alternatives which are polluting industries or create
5 radioactive waste that can't be gotten rid of for
6 thousands of years.

7 Because of the renewables being what
8 they are and knowing what their potential is,
9 potentially, solar PV (photovoltaic) is the one
10 industry that potentially can provide energy for the
11 future for the world more so than any other
12 possibility, more so than any other renewable energy
13 available.

14 UNIDENTIFIED SPEAKER: Fifty to a hundred
15 years.

16 MR. COGAN: Fifty to a hundred years from now
17 is correct.

18 But I'm saying to you is that if this
19 rule is enacted as it stands, you will hamstring this
20 industry and potentially kill it in the State of
21 Illinois. It is just the wrong thing to do.

22 What we should be doing in the State

1 of Illinois and every other state and every other
2 country is promoting solar energy for the future
3 because it is our future. It's our only future, and
4 that's a fact. It can't be argued with.

5 Thank you.

6 JUDGE ALBERS: Thank you, Mr. Cogan.

7 Anyone else? All right. Going
8 once...

9 MR. McGONIGLE: My name is Sean McGonigle.
10 I've been an enthusiast for a year and a half trying
11 to get into this industry. The reason I got into it
12 was to try to avoid carbon emissions, try to save the
13 world, do something that actually needs to be done,
14 but I found that it's been quite hard to get into,
15 both to sell and to get the training.

16 I got a Department of Energy grant for
17 tuition to take a renewable energy course at Lincoln
18 Land. Could not find any work after we got out of
19 that. There was a five-man team that had started
20 doing solar installs a year earlier, and they went
21 bankrupt right as I came out of the class, so the
22 industry has already collapsed here. There is nobody

1 that can do anything more than become a part-time
2 installer under current economic conditions. I think
3 I speak for us all.

4 So there are two points that I'd like
5 to bring up that I have trouble with. One is on the
6 install side, the way it's described in the draft, it
7 refers to the array as though it's an electrical
8 component, and, yes, it is, but an electrician
9 wouldn't recognize any of the parts, not a one. Most
10 of the modern equipment, most, not all, most of the
11 modern equipment that you get now looks nothing like
12 other electrical equipment in terminations or style.

13 So it seems that as the General
14 Assembly has pushed this, it does seem to be the
15 right time for there to be a category for
16 distribution generation installers, but we're not
17 electricians or specialists. That is how I think of
18 the install industry. We are the project managers.
19 We pull it together, and at this point in Springfield
20 under our current municipal codes, we have to have a
21 licensed electrician to do the final tie in. The
22 last 20 feet of wire run from the solar array to the

1 distribution panel has to be done by a licensed
2 installer.

3 The engineering at the array level is
4 done by myself who would be qualified to design an
5 array and by the array's actual hardware designers.
6 They have engineers who also have the numbers.

7 So having a licensed electrician
8 coming to do the last part is just a tertiary check
9 just to make sure that everything is worked out, and
10 I have no problem with the point where the grid tie
11 occurs being left to the licensed electrician, but
12 the way it's been described today, the whole array
13 would have to be designed by a licensed electrician,
14 and that is not where the technology is at.

15 So I propose that installers be
16 subset; that we be allowed to break away from the
17 electricians, you know, just as the Marine Corps
18 broke away from the Navy and podiatrists aren't
19 exactly doctors. I think we're a little bit more
20 than electricians but also not quite electricians
21 ourselves.

22 Thank you for your time and your

1 invitation to this hearing and your patience during
2 the hearing.

3 JUDGE ALBERS: Thank you.

4 On the screen in Chicago.

5 MS. PHILBIN: Hi. Cathy Philbin. I'm with
6 Good Electric. We're an electrical contractor in the
7 City of Chicago. We're licensed, bonded and insured
8 for the work we perform. We are members of the
9 National Electrical Contractors Association as well.

10 All of our field personnel have
11 completed the Department of Labor electrician
12 apprenticeship program and have received the DOL
13 certification of completion. We also have access to
14 a pool of DOL certified electrical workers.

15 We feel this requirement is imperative
16 to ensure the public safety and the growth of DG
17 responsibly in the State of Illinois, and as part of
18 the extensive training that our workers receive, they
19 are well-versed in all aspects of the building and
20 construction and how this work relates to electricity
21 generation.

22 We do have several concerns in

1 relation to the definition of qualified persons.
2 Simply working on an installation does not translate
3 into the necessary skills to plan, manage and install
4 construction projects involving distributed
5 generation. There are many areas of concern for
6 installers, and a consistent measurement of
7 qualifications should be in place for all installers.

8 One concern is are these qualified
9 persons actually on these jobs doing the
10 installations, making those electrical connections,
11 and do they understand the potential of the potential
12 voltage and load that they're dealing with at each
13 stage of the installation.

14 Electrical work requires a permit.
15 Whenever you are installing, altering or disturbing
16 electrical wiring, you are required to get a permit,
17 and only licensed electrical contractors are able to
18 obtain permits from authorities having jurisdiction.

19 I do have some other comments
20 regarding the costs, but I'll include those in my
21 written comments.

22 I do thank the Commission for their

1 time and patience today and for hearing our voices.

2 Thank you.

3 JUDGE ALBERS: Thank you.

4 Anyone else? Ms. Armstrong or
5 Mr. Lannon, is there anyone else in Chicago there
6 approaching?

7 MS. ARMSTRONG: No, Your Honor, no one else in
8 Chicago has comments.

9 JUDGE ALBERS: All right. Thank you.

10 And no one else in Springfield? Once,
11 twice, three times.

12 All right. I've heard a lot of good
13 comments and questions today. I appreciate everybody
14 coming out. I encourage you to petition to intervene
15 in the case. That way you'll get copies of any other
16 rulings or notices that go out, a copy of the
17 proposed order when it comes out from myself.

18 I would also strongly encourage you to
19 submit written comments, and please, as I indicated
20 earlier, I cannot emphasize this enough, if there's
21 any revision you want to the rule, offer specifics.
22 Give me specific language that you'd like to see

1 incorporated.

2 I would also suggest that anybody who
3 has heard others offer similar viewpoints to their
4 own, get together, submit some joint comments. That
5 might, you know, help solidify your own thoughts and
6 give me something that I can work with.

7 Does anybody have any questions or
8 concerns?

9 Oh, one other thought. Please, to the
10 extent you are recommending revisions, explain how
11 it's consistent with the statute, and if there are
12 areas that, you know, perhaps the statute itself is
13 just causing you concern, just talk to your
14 legislators. The Commission is bound to follow the
15 law, and we can't ignore it. We have to do what it
16 says.

17 I see a couple questions.

18 MR. CLEARWATER: Judge, again, the timeline
19 for...

20 JUDGE ALBERS: Come on up here so they can hear
21 your comments in Chicago.

22 MR. CLEARWATER: John Clearwater with the

1 Chicago Regional Council of Carpenters.

2 The timeline concerning the comments,
3 Judge, is that five working days from today?

4 Define what that timeline would be.

5 JUDGE ALBERS: Sure. Sure. Sure. Good
6 question.

7 Those written comments need to be
8 received no later than December 17th. That's this
9 coming Monday.

10 Also, to the extent that somebody
11 submits comments on December 17th that you have
12 issues with or don't like something they said, you
13 can submit reply comments by December 27th.

14 So give me your views by
15 December 17th. If somebody says something you don't
16 like in their comments, give me those by
17 December 27th. Send them both to the Chief Clerk's
18 Office at that 527 East Capitol address I gave you
19 earlier.

20 MS. ARMSTRONG: Judge, there were some people
21 that joined late in Chicago, and they were wondering
22 if you could please repeat your instructions on how

1 to submit comments for the people who arrived here in
2 Chicago late.

3 JUDGE ALBERS: Sure.

4 MS. ARMSTRONG: If you don't mind, I don't
5 think you need to go through the entire explanation
6 of how the docketing procedure works, but just if you
7 could briefly touch on how people can submit
8 comments.

9 JUDGE ALBERS: Yes.

10 Submit your written comments. Address
11 them to the Chief Clerk of the Commission. Mail them
12 to 527 East Capitol Avenue, Springfield, Illinois
13 62701. Make sure that you reference the docket
14 number in this case, Docket 12-0213, and make sure
15 that it is clear that they are first notice comments
16 on the distributed generation installer certification
17 rulemaking. That's Code Part 468, 83 Illinois
18 Administrative Code Part 468.

19 Does that address the need there,
20 Ms. Armstrong?

21 MS. ARMSTRONG: Yes, I think so. Thank you.

22 DR. SCHLAF: I was just wanting to make the

1 same request actually, that you repeat the mailing
2 process. Thank you.

3 JUDGE ALBERS: All right. I thank you all for
4 your time and patience.

5 Like I said, a lot of good comments.
6 I've got my work cut out for me. If there's nothing
7 else, we'll continue this matter generally.

8 (Whereupon the hearing was
9 continued generally)

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